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LAWS OF WISCONSIN

Relating to

PUBLIC CHARITIES

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*Powers and Duties of Juvenile
Courts and matters pertaining
to the State Board of Control
of Reformatory, Charitable &
Penal Institutions.*



Compiled by
STATE BOARD OF CONTROL
OF WISCONSIN
1920



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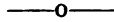
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WISCONSIN STATUTES

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State Board of Control

46.01 Organization. (1) To secure the just, humane and economical administration of the laws concerning the charitable, curative, reformatory, and penal institutions of this state, there is hereby constituted a board of three members, one of whom shall be a woman, which shall be known as the "State Board of Control of Wisconsin." The board shall be a body corporate, and, in addition to the functions expressly authorized by law, shall have all powers necessary to the full and complete performance thereof. Such board shall have a seal, with the words "State Board of Control of Wisconsin," and such other design as the board may prescribe, engraved thereon, by which it shall authenticate its proceedings, and of which the courts shall take judicial notice.

(2) Immediately after the passage and publication of this act, the governor shall, by and with the consent of the senate, appoint such members, but no member so appointed shall be qualified to act until so confirmed. The term of the first appointee shall terminate on the first Monday of February, 1921; the term of the second such appointee shall terminate on the first Monday of February, 1923; and the term of the third such appointee shall terminate on the first Monday in February, 1925. In January, 1921, and biennially thereafter, there shall be appointed and confirmed in the same manner, one member for the term of six years from the first Monday in February of such year. Such member so appointed shall hold his office until his successor is elected

and qualified. Any vacancies shall be filled by appointment by the governor for the unexpired term, subject to confirmation by the senate, but any such appointment shall be in full force until acted upon by the senate. Each member shall receive an annual salary of five thousand dollars, and his actual and necessary traveling expenses incurred in the discharge of his official duties.

(3) Each person who accepts such appointment shall take and file the official oath.

(4) Each member of said board shall devote his entire time and attention to the duties of his office.

(5) The governor may at any time remove any member for inefficiency, neglect of duty or malfeasance in office. Before such removal, he shall give such member a copy of the charges against him, and shall fix a time and place when he can be heard in his own defense, which shall be not less than ten days thereafter, and such hearing shall be open to the public. If he shall be removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against him, with a record of all proceedings, and his findings thereon.

(6) The members first appointed under this section shall, within ten days after their appointment and confirmation, meet at the capitol and organize by electing one of their members president, who shall serve until the second Monday in February, 1921. On the second Monday of February in each odd numbered year the members shall meet at the office of the board and elect one of their members president, who shall serve for two years, and until his successor is elected. A majority of said members shall constitute a quorum to transact business, and any vacancy shall not impair the right of the remaining members to exercise all the powers of the board.

(7) The board shall, at their first meeting, and at each biennial meeting thereafter, appoint a secretary, fix his compensation, and prescribe his duties. [*Stats. 1917 s. 561, 561a subs. 1, 2, 3; 1919 c. 328 s. 5; 1919 c. 403.*]

46.02 Supplies. Said board shall be provided with a room or rooms in the capitol as its office. The board shall be supplied with all necessary furniture, blanks, blank books and printing. It may subscribe for not more than two hundred copies, in any one year, of the proceedings of the national conference of charities and corrections, and may purchase books or periodicals for its library at a cost not to exceed one hundred dollars per annum. [*Stats. 1917 s. 561b; 1919 c. 328 s. 6; 1919 c. 403.*]

46.03 General functions of the board; religious ministrations; occupational therapy. The said board shall: (1) Maintain and govern the Wisconsin State Hospital for the Insane, the Northern Hospital for the Insane, the Central State Hospital for the Insane, the State Prison, and the State Prison farms, the Wisconsin State Reformatory, the Wisconsin Industrial Home for Women, the Wisconsin Industrial School for Boys, the Wisconsin Industrial School for Girls, the Wisconsin School for the Blind, the Wisconsin Institute for Blind Artisans, the Wisconsin School for the Deaf, the State Public School, the Wisconsin Home for the Feeble-Minded, the Southern Wisconsin Home for the Feeble-Minded, the Wisconsin State Tuberculosis Sanatorium, the Northern State Tuberculosis Sanatorium, the State Tuberculosis Camp, and all other charitable, curative, reformatory, and penal institutions that may be established or maintained by the state.

(2) Supervise and direct the management and affairs and preserve and care for the buildings, grounds, and all other property pertaining to said institutions, and promote the objects for which they are established.

(3) Take and hold in trust, whenever the board may deem the acceptance thereof advantageous, all property, real or personal, transferred in any manner to the state to be applied to any specified purpose, use or benefit pertaining to any of said institutions or the inmates thereof, and apply the same in accordance with the trust.

(4) On or before July first in each year, make full and

complete inventories and appraisals of all the property of each such institution, which shall be recorded and so classified as to show separately the amount, kind, and value of such property.

(5) Make and cause to be printed regulations for its own government, the management of said institutions, and the accomplishment of the purposes for which they are established.

(6) Visit and inspect each of said institutions at least once in each month, either as a body or by some member or members, and ascertain whether the officers, teachers and employes therein are competent and faithful in the discharge of their duties, all inmates properly cared for and governed, all accounts, books and vouchers properly kept, and all the business affairs properly conducted.

(7) Establish and maintain a system and prescribe forms for keeping the books, accounts, and records, and for rendering reports of all said institutions, which shall be as nearly uniform as practicable.

(8) At the close of each fiscal year, cause all the financial transactions and accounts of or relating to said several institutions to be thoroughly examined by an accountant, pursuant to the provisions of chapter 15 of the statutes; and said accountant shall submit a full and detailed report of such examination to the governor as soon as practicable.

(9) All persons committed to any reform school, prison, parental school, industrial school, home for dependent children or other place of confinement or commitment, shall be allowed spiritual advice and ministration from any recognized clergyman of the denomination or church to which they may respectively belong or did belong prior to their commitment or confinement, which advice and ministration shall be given within the place of confinement in such manner as will secure to such persons the free exercise of their religious belief and under such reasonable rules and regulations as the officers in charge of such place shall prescribe.

(10) The state board of control may give such instruc-

tion in occupational therapy at such institutions under its control as it shall deem wise; such instruction shall consist of vocational advice and technical training necessary for the proper qualifications of the inmates of such institutions for present and future usefulness. [*Stats.* 1917 s. 561j, 561dn, 4951; 1919 c. 78 s. 10; 1919 c. 328 s. 7; 1919 c. 671 s. 13a,-15a; 1919 c. 703 s. 35.]

46.04 Officers and employes of the board. (1) The board shall appoint a secretary, who shall be a competent and experienced bookkeeper, and shall keep its books, records and accounts under such regulations as it may prescribe. He shall keep a separate book account with each department of the several institutions, including all items purchased or sold on account thereof, and the products thereof, with an estimate of their value, in such manner as to show the relative cost and expenditures on account of each department, and the income thereof; and in case the income or profits of any department shall be made to contribute to the income or support of any other department of any such institution the books shall show the fact.

(2) The board may appoint and fix the compensation of such agents and inspectors as may be necessary to inspect and investigate all institutions subject to its inspection and investigation, such agents and inspectors to make a report of such inspection and investigation to the board. Such agents and inspectors shall be exempt from the provisions of chapter 16 of the statutes.

(3) The board shall appoint and employ one or more officers to be known as field officers who shall carefully look after the welfare of all persons paroled from any state penal institution or from the house of correction of Milwaukee county, or placed on probation pursuant to section 57.01 and subject to its control as provided in section 57.02. [*Stats.* 1917 s. 561k, 564 sub. 9, 4734f; 1919 c. 328 s. 8.]

46.05 Officers and employes of institutions; police powers; complaints. (1) The board shall annually appoint for each Hospital for the Insane a superintendent, one assistant physician, a matron, and a steward; for the State Reformatory a

superintendent, an assistant superintendent, and a steward; for the Central State Hospital, the School for the Blind, the School for the Deaf, and the Industrial School for Boys, each a superintendent and a steward; for the Industrial Home for Women a superintendent and a steward, who shall be women; for the Institute for Blind Artisans, the Industrial School for Girls, the State Tuberculosis Sanatoriums, and the State Tuberculosis Camp, each a superintendent; for the State Public School, and the Homes for the Feeble-Minded, each a superintendent, a steward and a matron; and for the State Prison a warden, a steward, a deputy warden, a chaplain, and a matron. The duties of said officers shall be fixed by said board, except as otherwise provided by law; but the board may combine the functions and duties of superintendent or warden and steward in one person at any of said institutions except the State Hospitals for the Insane.

(2) The salaries of the officers of said institutions, if not otherwise fixed by law, shall be fixed by the board of control; but no salary shall exceed twenty-five hundred dollars per annum, except the salaries of the superintendents of the Northern Hospital for the Insane and the Wisconsin State Hospital for the Insane, which shall not exceed thirty-five hundred dollars per annum. The steward of each institution shall execute and file an official bond in such sum and with such sureties as said board may prescribe. Said board shall also require any other officer or other person having the possession or custody of any money or property belonging to the state or any institution under its control or supervision to give an official bond, and from time to time to renew the same.

(3) Except as otherwise provided by law the board shall fix the number and prescribe the duties and compensation of subordinate officers, teachers and employes in each such institution, who shall be appointed by the officer in charge subject to approval by the board; and may remove or discharge any officer, teacher or employe who shall be guilty of any malfeasance or misbehavior in his office or employment or of neglect or improper discharge of duty.

(4) Physicians to be employed in the Wisconsin State Prison, Wisconsin State Reformatory, and Wisconsin Industrial Home for Women, shall be exempt from the provisions of chapter 16 of the statutes.

(5) The officers, janitors and guards of all the state charitable, curative, penal and reformatory institutions, and of the county asylums for the chronic insane, and the keepers of poorhouses not located within the corporate limits of any village or city are empowered to summarily arrest all persons within or upon the grounds of such institutions whom they have reasonable cause to believe guilty of any offense against the laws or regulations governing the same, or of any other violation of section 444n; to arrest any vagrant or idle person who shall refuse to leave any of said institutions or premises when requested to do so; and to take any such offender before any court of competent jurisdiction and cause proper complaint to be made against him; and for such purposes said officers, janitors, guards and keepers shall possess all the powers and authority of police officers and constables.

(6) Said board shall investigate all complaints against any of the institutions hereinbefore designated by name, or against the officers or employes thereof; may summon, compel the attendance of and swear witnesses, and compel the production of books and papers; and may at any time, on its own initiative, investigate the affairs of any such institution in such manner as may seem best. Any written communication or complaint addressed to such board or either of its members by any inmate, employe, or subordinate of any such institution shall be forthwith forwarded as addressed without the breaking of the seal or the reading thereof or other interference by any officer or employe of the institution from which it shall be sent. [Stats. 1917 s. 561g s, 561j. subs. (8), (9), (10), 561l, 564 sub. (10), 609; 1919 c. 328 s. 9.]

46.06 Acquisition and disposition of lands. (1) Whenever the said board is authorized by law to acquire land for a specified public purpose and the owner thereof refuses to agree upon the compensation therefor, or whenever by reason

of the absence or legal incapacity of the owner, or other cause, such agreement cannot be had without unreasonable delay, the said board may acquire such land by condemnation proceedings in the manner prescribed in chapter 32.

(2) Said board may construct and operate, or may grant license to any railway company to construct and operate, a spur railroad track over lands belonging to the state to connect any of the state institutions under its charge with a general line of railroad, but any license granted in pursuance hereof shall be revocable at the will of the legislature.

(3) The board may convey to any city land not exceeding one acre in extent, to be used by said city for waterworks purposes, for such compensation as said board shall deem reasonable, and may permit any city on such terms as may be just and reasonable to make such explorations on the lands of any state institution under its control as may be needful in locating a water supply for a municipal waterworks.

(4) The board may enter into a contract with the officers of the village of Union Grove, permitting them to connect the sewer system of said village with the main sewer drain of the Southern Wisconsin Home for Feeble-Minded and shall fix the value or compensation which shall be received by the state for the granting of such permission. The board shall submit such sewer system plans to the state board of health for its approval. [*Stats.* 1917 s. 561*h*, 561*t*, 567*e*, 605, 606, 607; 1919 c. 328 s. 11.]

46.07 Receipts on behalf of the state or inmates. [1] All moneys received by each and every person for or in behalf of the board of control or any state institution under said board, shall be paid within one week of receipt, into the general fund of the state treasury, and except as expressly provided otherwise shall be available for state account generally. Such deposits derived from the binder twine plant and other prison industries shall be accompanied by a schedule showing the various amounts received from each person or persons, together with the residence of each.

(2) All money or property paid or delivered to any officer or employe of either such institution for the benefit of

any inmate thereof shall forthwith be paid or transmitted to the steward thereof, who shall enter the same upon his books to the credit of the person or persons for whose benefit it was designed and make report thereof to said board at its next regular meeting. Such money or property shall be used only under the direction and with the approval of the superintendent or warden of the institution and for the benefit of the person or persons for whom it was designed. [*Stats.* 1917 s. 561*em*, 561*p*; 1919 c. 328 s. 12.]

46.08 Monthly estimates and audits. Said board, once in each month, with the aid of such officers of the several institutions as it may require, shall prepare an estimate of the expenditures which it will be necessary to make for each institution during the month next ensuing; which estimate, made out in detail, shall be certified and filed with the secretary of the board, and a duplicate thereof with the steward of each institution. No member of said board and no officer of either institution shall incur any liability without such estimate being first made. Said board shall also fix a regular time, as often as once in each month, for auditing all accounts and charges against the institutions under its charge. [*Stats.* 1917 s. 561*n*; 1919 c. 328 s. 13.]

46.09 Purchases, Bills, and Claims. (1) The steward of each institution shall be the local business manager and purchasing agent thereof, subject to the direction and the rules and regulations of the state board of control, and within the limits of the monthly estimates made for the purpose shall purchase all materials and supplies necessary therefor. He shall have the immediate charge of all the books, accounts, papers and records relating to its financial management, and shall keep detailed accounts of all receipts and expenditures, be responsible for the safe-keeping and economical use of all stores and supplies, and require verified bills of all articles bought.

(2) All materials and supplies shall be purchased at the lowest practicable price, and whenever in the opinion of the board economy can be promoted thereby purchases thereof may be made in quantities sufficient for several or all the

institutions under its charge, and distribution thereof made as occasion may demand; provided, that no butter or cheese not made wholly and directly from pure milk and cream, salt and harmless coloring matter shall be purchased for or used in any of the charitable, reformatory or penal institutions of the state.

(3) On the receipt of property purchased he shall compare the articles received with the bills therefor, and see that they are correct as to quality, quantity and the price charged, and to every bill which shall be so found he shall attach a certificate setting forth the fact that he has made such examination and has proven the extensions and footings and that the bill is in all respects just and correct. All such bills shall be laid before the board at its next regular meeting for allowance, and no bill or account shall be audited nor any appropriation made for the payment thereof which shall not be so first certified and presented, and verified by the affidavit of the claimant or his agent.

(4) No bills incurred by said board in the management of such institutions shall be paid until they have been audited by it, and a list of such bills as allowed, containing the names of the persons in whose favor they are allowed, the purpose and institution for which they were incurred, shall be made and certified by the president or secretary of the board and filed with the secretary of state as often as once in each month. Warrants therefor in favor of each claimant shall be drawn on the state treasurer and delivered to the secretary of said board, who shall transmit them to the payees. [Stats. 1917 s. 561 m, 561 o; 1919 c. 328 s. 14.]

46.10 Settlements between the state and the several counties for maintenance of inmates. (1) Whenever any person shall be brought before any court, judge, magistrate, or board for examination and commitment to any of the charitable, curative, reformatory, or penal institutions of the state, or of any county, for whose support in whole or in part any county may be chargeable, the application for such examination shall state the county in which such person resides. The said court, judge, magistrate, or board shall give due notice

of the hearing to the district attorney of such county, if within the state, who shall attend said hearing; and the said court, judge, magistrate, or board shall upon proper evidence determine the legal residence of such person, and his general financial ability. If the evidence does not disclose property sufficient to save the county harmless from the expenses of his support, the said court, judge, magistrate, or board shall ascertain, by further proof, the residence and financial ability of any person, if any, liable for such support pursuant to law, and shall order proper proceedings to be brought for the enforcement of such liability; but if the evidence discloses that the legal residence of the person so examined and found destitute is within some other county within the state, such hearing shall be continued and the district attorney of such other county shall be duly notified and shall appear at such continued hearing. At the conclusion of said hearing the court, judge, magistrate, or board shall determine the chargeability for the support of such person and certify such determination to the superintendent of the institution; and thereupon such person shall be admitted.

(2) On the first day of July in each year the state board of control shall prepare a statement of the amounts due from the several counties to the state pursuant to law, for the maintenance, care, and treatment of inmates at public charge in state or county charitable, curative, reformatory, and penal institutions. Such statement shall cover the preceding fiscal year and shall specify the name of every inmate in each state institution whose support is partly chargeable to some county, and the name of every inmate in each county institution whose support is wholly chargeable in the first instance to the state and partly chargeable over to some county; and shall further specify, with respect to each inmate, his residence, the number of weeks for which support is charged, the grounds of the liability, and the amount due to the state from such county, itemized as to board and clothing. The president and secretary of the board shall certify said statement, file it with the secretary of state, and mail a duplicate

to the clerk of each county charged; and there upon the secretary of state shall charge to the several counties the amounts so due, which shall be certified, levied, collected, and paid into the state treasury with the state tax as a special charge.

(3) On the first day of July in each year the superintendent or other officer in charge of each county charitable, curative, reformatory, and penal institution shall prepare a statement of the amount due from the state to the county in which such institution is located, pursuant to law, for the maintenance, care, and treatment therein of inmates at public charge. Such statement shall cover the preceding fiscal year and shall specify the name of each inmate whose support is partly chargeable to the state, or wholly chargeable in the first instance to the state and partly chargeable over to some other county; and shall further specify, with respect to each inmate, his residence, the number of weeks for which support is charged, the grounds of the liability, and the amount due to the county from the state, itemized as to board and clothing. Said statement shall be verified by affidavit by the officer making it and certified by the trustees of the institution to the state board of control, for examination and approval; and, when approved, the president and secretary of the board shall certify said statement to the secretary of state, who shall credit the aggregate amount found due on the state tax next accruing from said county.

(4) Whenever any inmate in any charitable, curative, reformatory, or penal institution of the state or of any county is improperly charged to the state or to any county, the attorney general on behalf of the state, or the district attorney of such county on its behalf, may make written application to the state board of control for relief from such charge. The application shall designate the county to which such inmate is chargeable, or if it be claimed that he is chargeable to the state it shall be so stated. Said board shall give reasonable notice to the parties interested of the time and place at which and when they may be heard. Such application may be supported by affidavits and other proper evidence. If upon the hearing said board shall grant the

relief asked for it shall order a proper charge against the county chargeable, or against the state, as the case may be; and from and after the making of such order such inmate's support shall be charged accordingly; but the county named in such order may in like manner apply to said board for relief from the burden thereby imposed, in which case the matter shall be heard and disposed of as herein provided.

(5) Any party aggrieved by any such order may, within one year from the making thereof, appeal to the circuit court of Dane county, by serving a notice of the appeal upon the president or secretary of said board, the district attorney of any county which is a party in interest and upon the attorney general. Within twenty days after the service of such notice the secretary of said board shall transmit to the clerk of such court all the original papers used upon the hearing before it, together with a certified copy of all the proceedings, orders and decisions made thereon. When a complete determination of the controversy cannot be had without the presence of other parties than those to the original proceeding the court shall order such parties to be brought in, and for that purpose may make such order as it may deem necessary. Such appeal shall be tried by a jury unless such mode of trial is waived, in the manner in which actions originally brought in the circuit court are tried. The jury shall find a special verdict naming the county to which the support of such inmate is chargeable or whether it is chargeable to the state, and judgment shall be entered accordingly. An appeal may be taken from such judgment to the supreme court as in other cases. The prevailing party in either court shall be entitled to the usual costs. Upon the rendition of final judgment said board shall make the proper charges or credits on its books and certify the same to the secretary of state.

(6) If any error has been or shall be committed in the accounts between the state and any county in making charges for the support of any inmate in any charitable, curative, reformatory, or penal institution, or in the amount certified to any county as due and to be assessed upon it on account of

such support, and such error shall be certified by the state board of control, the secretary of state shall correct such error by a proper charge or credit on the state tax next accruing. [*Stats.* 1917 s. 573 ,u 573 v, 584 a, 561 e, 591, 592, 593, 604 e; 1919 c 328 s. 15.]

46.11 Transfer of inmates. (1) Whenever any inmate lawfully committed to any state or county penal, reformatory, curative, or charitable institution shall be removed, in a case authorized by law, from any one of these institutions to any other of them by the state board of control, the superintendent of the institution from which any such removal is made shall notify the court or judge who committed such inmate of the fact of such removal.

(2) The board may designate in the order of removal, the superintendent of the institution from which or to which such removal is made or any other discreet citizen, to make such removal. The person so designated shall receive no mileage or per diem for making such removal, but shall be paid his actual and necessary traveling expenses and those of the person removed and of any necessary assistant, to be adjusted by the board and charged to the current expense fund of the institution from which such removal is made; but if some county is chargeable with any portion of the expense of maintaining the person so removed such county shall be charged therewith, and such charge shall be adjusted in the same manner that charges for the maintenance of such inmates are adjusted. [*Stats.* 1917 s. 561 jj; 1919 c. 328 s. 17.]

46.12 Sterilization of defectives. (1) The state board of control is hereby authorized to appoint, from time to time, one surgeon and one alienist, of recognized ability, whose duty it shall be, in conjunction with the superintendents of the state and county institutions who have charge of criminal, insane, feeble-minded and epileptic persons, to examine into the mental and physical condition of such persons legally confined in such institutions.

(2) Said board of control shall at such times as it deems advisable submit to such experts and to the superintendent

of any of said institutions the names of such inmates of said institution whose mental and physical condition they desire examined, and said experts and the superintendent of said institution shall meet, take evidence and examine into the mental and physical condition of such inmates and report said mental and physical condition to the said state board of control.

(3) If such experts and superintendent unanimously find that procreation is inadvisable it shall be lawful to perform such operation for the prevention of procreation as shall be decided safest and most effective; provided, however, that the operation shall not be performed except in such cases as are authorized by the said board of control.

(4) Before such operation shall be performed, it shall be the duty of the state board of control to give at least thirty days' notice in writing to the husband or wife, parent or guardian, if the same shall be known, and if unknown, to the person with whom such inmate last resided.

(5) The said experts shall receive as compensation a sum to be fixed by the state board of control, which shall not exceed ten dollars per day and expenses, and such experts shall only be paid for the actual number of days consumed in the performance of their duties.

(6) The record taken upon the examination of every such inmate shall be preserved and shall be filed in the office of said board of control at Madison, Wisconsin, and semi-annually after the performing of the operation, the superintendent of the institution wherein such inmate is legally confined, shall report to said board of control the condition of such inmate and the effect of such operation upon such inmate.

(7) The state board of control shall report biennially in its regular biennial report the number of operations performed under the authority of this section and the result of such operations. [Stats. 1917 s. 561jm; 1919 c. 328 s. 19.]

46.13 Wasserman tests. The board of control is hereby authorized to make necessary arrangements with the laboratory of the psychiatric institute of Mendota for the giving of

the Wasserman test to any person confined in any state or county institution, and of making such test for any practicing physician of this state who makes application therefor in behalf of any resident of this state, free of charge. Arrangements shall also be made with said institute for the making of chemical examinations of the cerebro-spinal fluid for any practicing physician of this state free of charge. [Stats. 1917 s. 561j*n*; 1919 c. 328 s. 20.]

46.14 Reports from state institutions. (1) The officer in charge of each state institution under the control of said board shall make a monthly report to the board, comprising an itemized statement of all receipts and disbursements, and of the daily number of inmates, officers, teachers, and employes, and the wages paid to each.

(2) On the first day of July in each even-numbered year the officer in charge of each such institution shall make a report to said board, covering the preceding biennial fiscal term, comprising a summarized statement of the management of every department of the institution and of all receipts and disbursements, and such other information as may be required by the board. [Stats. 1917 s. 562; 1919 c. 328 s. 21.]

46.15 Biennial report of the board. (1) On or before December first in each even-numbered year the board shall make to the governor a report of its proceedings during the preceding biennial fiscal term, with such recommendations as it may deem fit respecting the subjects in its charge or under its supervision, and including also: a detailed statement of all expenditures from the state treasury on behalf of the board and all state and county charitable, curative, reformatory, and penal institutions; a summary of the results of all its visits, inspections, and investigations in respect to matters committed to it, and of all statistical information collected by it properly tabulated; and a concise statement showing the condition of said institutions.

(2) Said report shall further show, with respect to each state institution:

a The kind and estimated value of all the property in its charge at the commencement of the biennial term;

b The kind and cost of all permanent additions and improvements made;

c The amount of money received from all public and private sources;

d The receipt of all money and property from private sources for the benefit of inmates and the disposition made thereof;

e The amount and estimated value of all products of the farm, shop, industries and other sources of support and supply in its charge and the cost and application thereof;

f The number of all inmates maintained at the commencement and at the close of each fiscal year, the average number during the year, and the average cost of maintenance per capita per week, based upon the total amount expended during the year for subsistence and for repairs and renewals of property, including the net value of all products of the farm and garden consumed at the institution and of all labor expended in the care and repair of the property, but excluding the cost of permanent additions to and improvements of property and private contributions for inmates;

g Such further facts relating to the financial condition as the board may deem necessary for the information of the legislature;

h An estimate of the expenses for the ensuing biennial fiscal term;

i Such parts of the reports of the officers in immediate charge as the board shall deem proper to lay before the legislature. [*Stats.* 1917 s. 561 *d*; 1919 c. 328 s. 22.]

LOCAL BOARDS

46.16 General supervision and inspection. (1) The state board of control shall:

a Investigate and supervise all the charitable, curative, reformatory and penal institutions of every county and other municipality, and all industrial schools, hospitals and asylums, organized or existing or which shall be organized under chap-

ter 86 of these statutes, and familiarize itself with all the circumstances affecting their management and usefulness.

b Visit the poorhouses in the state, and ascertain how many persons of each sex, how many insane, idiotic, deaf and dumb, or blind persons, and how many children are supported in each, at what cost and under what circumstances affecting their health, comfort, morals, and education; collect statistics of the number and cost of support, and other important facts, of the poor relieved at public expense outside of poorhouses; and collect such other information as may throw light on the adequacy and efficiency of existing laws for the support and relief of the poor, and the causes operating to increase or diminish pauperism in the state.

c Visit the jails, municipal prisons, houses of correction, workhouses, and all other places in which persons convicted or suspected of crime, or insane persons, are confined, and ascertain their sanitary condition and arrangement for the separation of the hardened criminals from juvenile offenders and persons suspected of crime or detained as witnesses; collect important statistics concerning the inmates, their treatment, employment, and reformation; and collect information of all other important facts and considerations affecting the increase or diminution of crime and insanity.

d Visit each of the institutions hereinbefore referred to and inquire into their methods of treatment, instruction, government, and management of their inmates; the official conduct of their trustees, managers, directors, superintendents, and other officers and employes; the condition of the buildings, grounds, and all other property pertaining to said institutions, and all other matters and things pertaining to their usefulness and management; and recommend to the officers in charge such changes and additional provisions as it shall deem proper.

e Inspect each such institution annually, or oftener if necessary; and, whenever directed by the governor, make special investigation into their past or present management, or anything connected therewith, and report to him the testimony taken, the facts found, and conclusions thereon.

f Inform the governor, and the district attorney of the county in which the institution is located, of any violation of law disclosed in any investigation of any such institution.

(2) All trustees, managers, directors, superintendents and other officers or employes of the institutions aforesaid shall at all times afford to every member of said board, or its agents, unrestrained facility for inspection of and free access to all parts of the buildings and grounds and to all books and papers of such institutions and shall give, either verbally or in writing, such information as the board may require; and if any such person shall offend against this requirement he shall forfeit not less than ten nor more than one hundred dollars. Each member of the board is authorized to administer oaths and take testimony; and may cause depositions to be taken pursuant to law. All expenses of such investigations, including fees of officers and witnesses, shall be charged to the appropriation for the state board of control. [*Stats.* 1917 s. 564, 565; 1919 c. 328 s. 23.]

46.17 Establishment, approval, and inspection of buildings. (1) The state board of control, with the advice and approval of the state chief engineer, shall ascertain and fix reasonable standards and regulations for the construction, repair and maintenance of poorhouses, asylums for the insane, tuberculosis hospitals and sanatoriums, houses of correction, workhouses, jails, and lockups, with respect to their safety, sanitation, and adequacy and fitness for the needs of the community which they are to serve.

(2) The establishment of, purchase of the site, and erection of buildings for any such institution shall be subject to the approval of the state board of control.

(3) No building for any such institution shall be constructed until the plans and specifications therefor have been approved by said board, or its secretary when directed by the board, and the state chief engineer, as conforming with such standards and all other requirements of law.

(4) Before the occupancy of any such building, and semi-annually thereafter, the board shall cause such build-

ing to be inspected with respect to its safety, sanitation, adequacy and fitness, and report to the authorities conducting said institution any deficiency found, stating the nature of the deficiency, in whole or in part, and ordering the necessary work to correct it or that a new building shall be provided. If within six months thereafter such work be not commenced, or not completed within a reasonable period thereafter, to the satisfaction of the board, it shall suspend the allowance of any state aid for, and prohibit the use of such building for the purposes of, said institution, until said order shall have been complied with. [*Stats. 1917 s. 564 sub. (3), 566a, 566b, 603, 604, 604x-1, 697a, 1421-9, 1421-10, 1518, 1523; 1919 c. 328 s. 24.*]

46.18 Board of trustees of county institutions. (1) The management of every poorhouse, asylum for the chronic insane, tuberculosis hospital or sanatorium, house of correction, or workhouse, established by any county whose population is less than two hundred and fifty thousand, shall be controlled and directed, subject to regulations approved by the county board, by a board of trustees composed of three electors of the county, elected by ballot by the county board. Upon completion of the buildings for any such institution the county board shall, at an annual or special meeting, elect three trustees whose terms shall begin at once and end, respectively, on the first Monday of the second, third, and fourth January next thereafter. At its annual meeting in every subsequent year the county board shall elect one trustee for a term of three years to begin on the first Monday of January next thereafter. Any vacancy in the board of trustees shall be filled for the unexpired term, at any meeting of the county board; but the county chairman may appoint a trustee to fill such vacancy until such action by the county board.

(2) No member of the county board shall serve as such trustee during the term for which he was elected. No such trustee shall have any other lucrative office or employment in the county government; nor be eligible, during the term for which he was elected, to the office of superintendent of the institution in his charge.

(3) Any trustee may be removed from office for misconduct or neglect, by an affirmative vote of two-thirds of the members of the county board, on due notice in writing and hearing of the charges preferred against him.

(4) Each trustee shall take and file the official oath, and execute and file an official bond to the county, the amount of which shall be determined by the county board, and the sufficiency of the sureties whereof shall be approved by the chairman of said board. He shall be reimbursed his traveling expenses necessarily incurred in the discharge of his functions, and shall receive such compensation as shall be fixed by the county board, unless otherwise provided by law.

(5) The trustees shall organize by the election of a president. The superintendent of the institution shall be ex-officio secretary of the board.

(6) At least once each month the trustees shall audit all claims against the county incurred on behalf of said institution, when presented to them verified under oath by the claimant or his agent, and when allowed the president and secretary shall certify such claims to the county clerk, who shall thereupon issue county orders for their payment. They may sue and defend, in the name of the county, any cause of action involving the interest of said institution, and may employ counsel for that purpose. All receipts on account of said institution shall be paid into the county treasury by the superintendent of the institution within one week after receipt.

(7) *a* The fiscal year of each such county institution shall commence with July first of each year and end with June thirtieth of the following year.

b The state board of control shall formulate a uniform system of keeping all the books, accounts and records, and shall prescribe and furnish blanks for a uniform system of the reports of said institutions, which shall definitely and accurately show, with respect to each institution: the itemized gross earnings and expenses; the net earnings or expenses; a classified summary of all products of the farm sold, consumed, and on hand; the amounts invested in land, buildings,

improvements, and personal property; the depreciation of the personal property; the per capita cost per week of maintaining the inmates, and the items upon which such per capita cost is computed; the total expense or saving to the county on account of the maintenance of the institution; and such other information as may be required by the board in order to give a full understanding of the investment, operation, and management of the institution and the financial results of such management.

c The trustees of each such institution shall cause said system of accounting and reporting to be installed, under the supervision of the board of control, and shall conduct its business in conformity therewith; and the board of control shall from time to time inspect, examine, and audit the books, records, documents, accounts, and transactions of each institution.

(a) On the first day of July of each year the trustees shall prepare a report covering the preceding fiscal year, concerning the matters specified in paragraph *b*, and shall transmit one copy to the state board of control, one copy to the clerk of the county in which said institution is located, and keep one copy on file at the institution. Such report shall be accompanied by an inventory of all properties on hand on the last day of the fiscal year, an estimate of the receipts and expenditures for the ensuing fiscal year, and the reports of the superintendent and visiting physician, if any, of the institution.

(8) The county board shall annually appropriate for operation and maintenance of each such institution, in addition to the amount appropriated for construction and improvement of grounds and buildings, a sum not less than the amount of state aid estimated by the trustees to accrue to said institution; or such lesser sum as may be estimated by the trustees to be necessary for operation and maintenance.

(9) The county board may provide that the board of trustees of any such institution already existing shall be, ex-officio, the board of any other such institution. [*Stats.* 1917 s. 15.17 to 15.20, 604 *a*, 604 *g* to 604 *ha*, 697 *y*-1 to 697 *y*-4, 697 *y*-5 *subs.* 3, 4, 1421-9 *sub.* 2, 1421-11 *subs.* 1 to 3, 1421-15, 1518, 1520, 1521, 1526; 1919 c. 328 s. 25.]

46.19 Superintendent and other officers and employees of county institutions. (1) Every such county institution shall be managed, pursuant to regulations prescribed by the board of trustees, by a superintendent, who shall be appointed by and be removable at the pleasure of said board.

(2) The trustees shall fix the compensation and prescribe the duties of the superintendent, who shall execute and file an official bond with sureties approved and in an amount fixed by the trustees.

(3) Except as otherwise provided by law, the superintendent shall, subject to the approval of the trustees, appoint, fix the designation and compensation of, and prescribe the duties of all necessary additional officers and employees of said institution, and may remove them at his discretion, subject to the county civil service law. [*Stats.* 1917 s. 604 h, 697 b, 697 y-5, subs. 1, 2, 1421-11, sub. 2, 1421-16, 1522; 1919 c. 328 s. 26]

46.20 Joint county institutions. (1) Any two or more counties may jointly, by majority vote of all the members of each county board, provide for a poorhouse, asylum for the chronic insane, tuberculosis hospital or sanatorium, house of correction, or workhouse, which shall be established, maintained, and operated pursuant to all the statutes relating to the establishment, maintenance, and operation of similar institutions, respectively, by any single county whose population is less than two hundred and fifty thousand, except as otherwise provided in this section; and in all respects, except as herein specified, each such institution shall be the county institution of each of the counties so joining,

(2) The county board of each such county shall elect three of its members to represent the county in a joint committee to select the site, anywhere within either of said counties, and prepare the plans and specifications of the buildings, for such institution; and said joint committee shall be vested with all functions, relative to the establishment of such institution, possessed by the county board relative to like county institutions.

(3) Upon approval of the site, plans and specifications, as provided in section 46.17, the joint committee shall report to the several county boards the estimated cost of said site and buildings, and the amount thereof chargeable to each county on the basis set forth in paragraph *a* of subsection 6, appending to each report a copy of the plans and specifications and all matter relating to said site and buildings; and if the said report shall be approved by each county board, the joint committee shall purchase said site and cause said buildings to be erected in accordance with the plans and specifications.

(4) The functions of the joint committee shall terminate upon completion of said buildings; and the board of trustees thereupon elected shall be composed of two electors from each county when two counties join; and of one elector from each county in all other cases; which trustees, except those elected at first elections, shall hold during terms of four years in the former case, and as many years as there are counties joining in the other cases. Trustees elected at first elections shall hold for terms beginning at once and so ending that the terms of one member only will expire on the first Monday of each succeeding January, beginning with January of the second year thereafter; which terms shall be allotted to the respective trustees at their first meeting. The county board of each county joining shall at an annual meeting elect a successor to any trustee from such county whose term will expire on the first Monday of the next following January. The trustees shall have the qualifications and functions and be subject to the limitations and restrictions of trustees elected pursuant to section 46.18. They shall be reimbursed their traveling expenses necessarily incurred in the discharge of their functions, and shall receive compensation similar to that of the trustees, respectively, of like county institutions; and if the county board is empowered to fix the latter, the compensation of the joint trustees shall be fixed by joint action of the county boards.

(5) All receipts on account of such institution shall be paid into the treasury of the county in which said institution is located.

(6) Prior to the election of the trustees the joint committee, and thereafter the board of trustees, shall audit all claims against said counties on account of such institution; and all such claims shall, in the first instance, be certified to and paid by the county in which said institution is located, subject to apportionment and adjustment among the several counties as follows:

a All expenditures for the site, buildings, furniture, equipment, and permanent improvements, after deducting all receipts therefor except county appropriations, shall immediately upon payment be apportioned by the clerk of the county in which the institution is located and certified to the clerks of the other counties, on the basis of the percentage which the valuation of the taxable property in each county bears to the valuation of the aggregate taxable property in all said counties, as determined pursuant to section 1069.

b All expenditures for repairs, maintenance, and operation, after deducting all receipts therefor except county appropriations, shall be so apportioned for each month, on the first day of the next succeeding month, on the basis of the percentage which the aggregate cost of keeping the inmates at public charge from each such county bears to the aggregate cost of keeping the inmates at public charge from all such counties, adopting as the unit of cost the total average cost per capita per week of keeping all the inmates, at public charge and otherwise, in said institution.

c Immediately upon receipt of such certified apportionment each such other county shall pay over to the county in which said institution is located its proportion of said expense.

(7) If any net profit shall arise from the operation of said institution it shall be apportioned among the several counties on the basis prescribed in paragraph *b* of subsection 6; and the county in which said institution is located shall pay over to the other counties, respectively, their proportions of such profit.

(8) The trustees shall transmit one copy of their annual report to the state board of control, one copy to the clerk of each joint county, and shall file one copy at the institution.

It shall be itemized with respect to the several counties and shall, in addition to the requirements of subsection 7 of section 46.18, include an itemized statement showing the amounts of the receipts and profits credited and expenditures charged to the several counties for the past fiscal year, and an estimate of such amounts for the ensuing fiscal year; and each county board shall provide for meeting its estimated share of said expenditures.

(9) At any time after the organization of any such institution, any additional county or counties may join in the support and conduct thereof upon payment of such equitable proportion of the original cost of its establishment, and any joint county may withdraw upon such terms, as may be agreed upon among the county boards of the counties interested; and thereupon the board of trustees of such institution shall be reorganized, in such manner as may be determined by the county boards of the participating counties, to conform to the provisions of subsection 4. [*Stats. 1917 s. 604 i to 604 m, 697 f to 697 k, 1421-17 to 1421-24; 1919 c. 328 s. 29.*]

46.21 Board of administration in populous counties.

(1) **ELECTION; ORGANIZATION; COMPENSATION.** *a* In each county having a population of two hundred and fifty thousand or more, a board of administration shall have charge of the county hospital for destitute sick persons, county poor farm, almshouse, department of outdoor relief, home for dependent children, hospital for the insane, asylum for the chronic insane, tuberculosis hospital, and school of agriculture and domestic science, and of all lands used in connection with any and all such institutions.

b Said board shall consist of five members, each of whom shall be an elector in said county, shall hold no other lucrative position in the county government, and shall devote his entire time to the duties of such office. Three of said members shall be elected by the county board, and two appointed by the governor, as follows: Before the first day of October, 1915, the county board shall, at a regular or adjourned meeting, elect by ballot one member for a term of one year, one

for a term of three years, and one for a term of four years; and the governor shall appoint one member for a term of two years, and the other for a term of five years; all of said terms to commence on the first day of October, 1915. Thereafter each succeeding member shall be elected by the county board or appointed by the governor, respectively, for the term of five years.

c Each administrator shall take and file the official oath and shall execute and file an official bond with sureties approved and in a reasonable sum fixed by said county board.

d The compensation for each administrator shall be three thousand dollars per annum, or such additional amount as the county board may determine, paid monthly as other county officers are paid.

e Such administrators shall annually elect a president, vice president and secretary. The county board shall provide said board with suitable quarters for the transaction of its business.

f In all matters relating to the school of agriculture and domestic science the county superintendent of schools shall be ex-officio a member of said board, but without additional compensation.

(2) FUNCTIONS OF THE BOARD. *a* The board of administration shall have and exercise exclusively the same functions in all matters relating to the care and support of the inmates of any said institutions and the management and operation thereof, as are now vested in the county board, and in any and all boards of trustees of any and all of said institutions now organized and now provided by law for such counties, and all the functions of boards of trustees of similar institutions in other counties, so far as consistent herewith.

b It shall let all contracts and make all purchases for whatever may be necessary to maintain and from time to time improve said institutions, and maintain, support and care for the inmates therein.

c It shall make all necessary regulations for the government and maintenance of the institutions in its charge and for the admission and discharge of patients or inmates, and

shall fix the salaries of the superintendents and of all other officers and employes of said institutions, and of the district physicians, which salaries shall be payable monthly out of the county treasury.

(3) **SUPERINTENDENTS; OFFICERS AND EMPLOYES.**

a The board shall biennially appoint eight superintendents, who shall, subject to the powers and regulations of the board, have the charge and management, respectively, of the county hospital, almshouse and waterworks, outdoor relief, hospital for the insane, asylum for the chronic insane, tuberculosis hospital, school of agriculture and domestic science, and home for dependent children. The superintendents of the county hospital, hospital for the insane, asylum for the chronic insane, and tuberculosis hospital, shall each be a legally qualified physician, shall reside on the grounds of the institution in his charge, and shall provide and manage all necessary medical aid and attendance for the inmates thereof; and the superintendent of the county hospital shall also provide and manage all necessary medical aid and attendance for the inmates of the almshouse and county farm. The superintendent of the almshouse and waterworks shall reside on the grounds of the almshouse; the superintendent of outdoor relief shall be stationed at and have charge of the poor office and the support and relief of the poor; and the superintendent of the school of agriculture and domestic science shall manage the instructional, demonstrational, and experimental work of that institution.

b Each such superintendent shall within ten days after written notice of his appointment take and file the official oath and execute and file an official bond with sureties approved and in a reasonable sum fixed by said board of administration.

c Each of said superintendents shall have power to appoint and remove all officers and employes in his respective department, subject to the approval of said board of administration.

d The said superintendents may make regulations for such institutions subject to approval by said board of administration.

e The county treasurer shall be ex-officio the treasurer of said institutions, and shall keep separate accounts of all moneys appropriated or otherwise received for the aforesaid institutions and pay the same only upon orders issued by the county clerk on vouchers certified to the clerk by the president and secretary of said board of administration.

f The board shall biennially appoint as many district county physicians as it may deem necessary to care for all sick and poor, and shall prescribe rules and regulations governing the work of and territory to be covered by such district physicians.

(4) ADMISSION OF INMATES FOR PAY. *a* Any resident of this state not indigent may be received into the county hospital, and any such resident not indigent who is blind, old, lame, impotent or decrepit may be received into the almshouse and county farm, to be treated, cared for and maintained upon such terms and conditions and at such rate of pay as may be established by the board of administration; but indigent and destitute persons shall be cared for and have preference of admission to said institutions.

b The provisions of sections 49.10 to 49.13 shall govern the support and maintenance of persons in any of the institutions in charge of said board of administration.

(5) REPORTS; APPROPRIATIONS; EXPENDITURES. *a* On the first day of July of each year, or within thirty days thereafter, said board of administration shall render an annual report, together with the reports of the said superintendents, including an itemized statement of receipts and disbursements for the year ending on the last day of June in each year. Said board shall maintain the uniform system of books, accounts, records, and reports prescribed by the state board of control, conforming in all respects with the provisions of subsection 7 of section 46.18.

b The county board shall make sufficient appropriation annually for the support, maintenance, salaries, repairs and improvements of said institutions, and district physicians, and complying with subsection 8 of section 46.18 so far as con-

sistent with subsection 23 of section 709, and such appropriation so made shall be used for such purposes and subject to the order of said board of administration in such manner as its regulations may provide; but the board of administration shall not incur any expense or make any contract for new buildings or for additions to present buildings, or for the purchase of land, without first being authorized so to do by the county board, nor until the county board has appropriated or provided for the raising of the money to defray such expense.

(6) **CLINICS.** The board of administration is hereby empowered to establish and conduct clinics in connection with the county hospital, subject to such rules and regulations as it may prescribe.

(7) **DISPENSARY; EMERGENCY HOSPITAL.** Said board of administration, upon authorization of the county board and subject to such rules and regulations as may from time to time be prescribed by said county board, shall have and exercise the following additional powers:

a To establish and maintain a public health and medical dispensary and conduct same as may be proper and necessary for the preservation of the public health and the prevention of disease in said county.

b To establish and maintain in connection with said county hospital, an emergency unit or department for the treatment, subject to such rules and regulations as may be prescribed by said board of administration, of persons in said county who may meet with accidents or be suddenly afflicted with sickness, not contagious, provided, however, that medical care and treatment shall only be furnished in such unit or department until such time as the patient may be safely removed to another hospital or to his or her place of abode or regularly admitted to said county hospital. [*Stats.* 1917 s. 697-45 to 697-49, 697-49*m*, 697-49*n*; 1919 c. 328 s. 30; 1919 c. 671 s. 15 *b*; 1919 c. 686.]

46.22 MUNICIPAL HOSPITAL BOARD. In any city of the third or fourth class, however organized, having a municipal

hospital therein, the board of trustees or other governing board of such municipal hospital shall have power and authority:

a To prescribe rules of order for the regulation of their own meetings and deliberations and to alter, amend, or repeal the same from time to time;

b To enact, amend and repeal rules and regulations relating to the government, operation and maintenance of such hospital and relating to the employes thereof;

c To contract for and purchase all fuel, food and other supplies reasonably necessary for the proper operation and maintenance of such hospital;

d To enact, amend and repeal rules and regulations for the admission to and government of patients at such hospital;

e To enter into contract for the construction, installation or making of additions or improvements to or alterations of such hospital whenever such additions, improvements or alterations have been ordered and funds provided therefor by the city council;

f To engage all necessary employes at such hospital for a period not to exceed one year under any one contract and at a salary not to exceed the sum of twenty-five dollars per week, excluding board and laundry, unless a larger salary be expressly authorized by the city council;

g To audit all accounts and claims against said hospital or against said board of trustees and, if approved, to issue orders upon the city treasurer for the payment of the same, such orders to be issued and signed by the president and secretary of said board of trustees, and countersigned by the city comptroller, if any. [*Stats.* 1917 s. 959-130; 1919 c. 328 s. 43.]

CHAPTER 47

EDUCATION AND RELIEF OF THE BLIND AND DEAF.

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- 47.02** Admission; nonresident tuition; school year degrees.
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WISCONSIN INSTITUTE FOR BLIND ARTISANS

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SCHOOLS FOR THE BLIND AND DEAF.

47.01 Objects; summer school for the blind. The objects of the Wisconsin School for the Blind and the Wisconsin School for the Deaf are to afford to those unfortunate classes, respectively, so far as possible, enlightened and practical education, which may aid them to obtain the means of subsistence, discharge the duties of citizens, and secure all the happiness which they are capable of attaining. A summer school for adult blind persons shall be maintained in connection with such school for the blind. [S a's. 1917 s. 568, 574; 1919 c. 81 s. 3.]

47.02 Admission; nonresident tuition; school year; degrees.

(1) All the blind and deaf residents of this state between the ages of eight and twenty-five years, of suitable capacity to receive instruction, shall be received and taught in said schools, respectively, free of charge. Like pupils may also be received from any person or corporation without this state upon the payment quarterly in advance of the sums prescribed by the state board of control; but no such pupil shall ever be received to the exclusion of any resident pupil from any of the privileges or benefits of the institution. All pupils shall equally and freely enjoy all the benefits and privileges of the school and institution, have the use of the library and books of instruction, and receive board, lodging, washing, and fuel, without preference or distinction. The steward of the school may provide means of transportation for resident indigent pupils going from and returning thereto.

(2) The state board of control shall fix the period of the school year in said schools at not less than forty weeks, prescribe the school terms and confer upon meritorious pupils therein such academic and literary degrees as are usually conferred by similar institutions, and grant diplomas accordingly. [Stats. 1917 s. 561j subs. 11, 12, 569, 575; 1919 c. 81 s. 4.]

47.03 Compulsory education of the blind and deaf. Whenever it shall be made to appear, by affidavit, to any county or municipal judge that any blind or deaf child of proper age is deprived of a suitable education by the neglect

or refusal of its parents or either of them, or its guardian or other person having the care or custody of such child, such judge shall summon such parents or parent, guardian or other person to bring such child before him, and if the material allegations of such affidavit be denied he shall subpoena witnesses and hear testimony. If the facts be admitted or established the judge may, in his discretion, order such child to be sent to the Wisconsin school for the blind or the Wisconsin school for the deaf or to some other public or private institution for the instruction of the blind or deaf; but in no case shall such order be made so as to cause any direct charge to be made by such institution against any county. [Stats. 1917 s. 571, 576; 1919 c. 81 s. 5.]

47.04 Library for the blind. The books printed in embossed type and purchased pursuant to law, or otherwise acquired for the Wisconsin School for the Blind, constitute a state circulating library for the blind, which shall be kept at the school for the blind and be in charge of the superintendent thereof. All blind citizens of the state shall have the privilege of using such books on compliance with and subject to such regulations as said superintendent may make, on their approval by the state board of control. [Stats. 1917 s. 570; 1919 c. 81 s. 6.]

WISCONSIN INSTITUTE FOR BLIND ARTISANS.

47.05 Establishment and administration. The state board of control is directed to make provisions for the leasing of such suitable buildings or apartments as may be necessary, for the use of the Wisconsin Institute for Blind Artisans, to provide for the heating and lighting of such buildings or apartments and for such water as may be necessary to be used therein. The rent of such buildings or apartments and the cost of such heating, lighting and water shall be paid by the state under the direction of the board of control. The board is also authorized to furnish to such artisans as avail themselves of the privileges of said institute, a limited amount of materials and tools required in their employments. [Stats. 1917 s. 572a; 1919 c. 81 s. 7.]

47.06 Inmates other than artisans; transportation for artisans. The said board may, in its discretion, provide means of instruction in such institute to any adult blind residents of the state who desire to learn a trade; and may provide for or make a reasonable allowance for the board of indigent blind artisans who are not residents of the city of Milwaukee, for a reasonable time, so as to enable them to learn a trade and become self-supporting, such allowance not to exceed in any case the sum of seventy-five dollars. Said board may also provide means of transportation from any point within the state to Milwaukee for any indigent blind artisan who is a resident of the state and who desires to avail himself of the privileges of said institute. [*Stats.* 1917 s. 572*b*; 1919 c. 81 s. 8.]

STATE AID TO THE BLIND.

47.07 Scholarships for blind students. Any blind person who has been a resident of this state for at least five years next preceding the making of an application for aid under this section and who is a regularly enrolled student in any university, college or conservatory of music, may under the direction of the superintendent of the Wisconsin school for the blind, and subject to the approval of the state board of control, receive aid for the purpose of defraying his necessary expenses, including a reader, while in attendance at such university, college or conservatory of music. The amount of such aid to any such person shall not exceed three hundred dollars in any one year, nor shall the total amount of such aid exceed two thousand dollars. [*Stats.* 1917 s. 572 *x*; 1919 c. 81 s. 10; 1919 c. 355 s. 6.]

COUNTY AID TO THE BLIND.

47.08 Persons entitled to aid; chargeability. (1) Any male person over the age of twenty-one, and any female person over the age of eighteen years, who is declared to be blind or blind and deaf in the manner hereinafter set forth, and who is not an inmate of any charitable, reformatory or penal institution in this state, and who

a Has an income of fifty dollars but less than two hundred and fifty dollars per annum, and who has been a bona fide resident of this state for ten years and of the county in which such application is made for at least one year next preceding the making of the application hereinafter set forth, may, in the discretion of the county board, receive from the county in which such person or persons are residents, a benefit of one hundred dollars per annum if blind and two hundred dollars if blind and deaf, payable quarterly; or

b Has an income of less than fifty dollars per annum and who has been a bona fide resident of this state for ten years and is a resident of the county wherein application is made at the time of making the application may be entitled to receive from said county a benefit of two hundred dollars annually if blind and four hundred dollars if both blind and deaf, payable quarterly, and such additional aid as the county board may determine.

(2) Payments made under paragraph *b* of subsection 1 by any county to any person within and for the first year after such person takes up residence therein, shall be and constitute a charge against the county in this state wherein such person resided for one full year or more next preceding removal into the county which paid such benefits. The clerk of the county wherein such benefits were paid shall certify to the clerk of such other county the amount of the benefits so paid, and said clerk, upon receipt of such certificate, shall draw his warrant upon the county treasurer in favor of the county which paid such benefits for the amount named in such certificate. (*Stats.* 1917 s. 572 *i*; 1919 c. 81 s. 11; 1919 c. 563)

47.09 Examiner of the blind and deaf. The county board may appoint a regular practicing physician, whose official title shall be "Examiner of the Blind and Deaf" and whose duty it shall be to examine all applicants for benefits and to indorse on the application a certificate showing whether such applicant is blind and deaf or not, and file the application so indorsed in the office of the county clerk. Such examiner shall keep a register in which he shall enter the

name and address of each applicant so examined, and the date and result of such examination. Such examiner shall be paid by the county for his services the sum of two dollars for each applicant so examined. [Stats. 1917 s. 572j; 1919 c. 81 s. 12; 1919 c. 563.]

47.10 Application for aid; examination; tax levy. (1)

Any person claiming a benefit as provided in section 47.07 shall make an affidavit before the county clerk of the county in which he resides of the facts which bring him within the provisions thereof, which affidavit shall be deemed an application for said benefit. Such application shall be accompanied by an affidavit of two freeholders residing in the county, that they are personally acquainted with such applicant and know that he has been a bona fide resident of this state for ten years and of said county for one year immediately preceding the filing of such application; or, if application is made for a benefit under paragraph *b* of subsection 1 of section 47.08, said freeholders' affidavit shall state that the applicant is a bona fide resident of said county and shall set forth the name of the county from which he removed to the county in which such application is made and the length of time the applicant resided in such former county.

(2) The county clerk shall, upon receiving such application, file the same with the examiner of the blind and deaf.

(3) The county clerk shall register the name and address of each applicant and the date of the examination, and on or before the first day of November of each year he shall certify to the county board of the county the name and residence of each applicant who has been found blind by the examiner of the blind.

(4) The county board of any county in which such application has been made, may, in its discretion, annually levy a tax upon the taxable property in the county sufficient to pay said benefits to the persons entitled to the same. [Stats. 1917 s. 572k, 572l, 572m, 572n; 1919 c. 81 s. 13; 1919 c. 563.]

FIELD WORK AMONG THE BLIND

47.11 Field agent for adult blind. (1) The state board of control is authorized to appoint a field agent for the adult blind of the state, whose duties shall be as follows:

a To devise means to facilitate the circulation of books among the blind.

b To visit the aged and helpless blind at their homes, or, by such other means as may be deemed proper, to suggest improvements in their living conditions and home surroundings, and to give to them such instructions and assistance as conditions seem to warrant.

c To arrange for the placing of indigent blind persons in suitable homes when such homes can be secured, and to make such arrangements as may be necessary with county officials for the support of such persons.

d To arrange for the payment of pensions to blind persons who are entitled to it, and to secure positions for blind persons who are physically able to take employment.

e To perform such other duties to assist the blind as may be designated by the state board of control.

(2) The state board of control shall fix the salary to be paid to the said field agent, which shall be in addition to traveling expenses incurred by him. The traveling expenses shall be paid out of the general fund of the state upon the approval of the state board of control.

(3) The state board of control shall make a report to the legislature of 1921, which report shall show the number of blind persons in the state, their condition, causes of the blindness, and the capacity provided for their education and industrial training, and shall make such recommendations for the improvement of the condition of blind persons in the state as it deems proper. [1919 c. 4 99.]

CHAPTER 48

CHILD PROTECTION AND REFORMATION.

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JUVENILE COURTS

48.01 Designation of court; jurisdiction; officers; jury trial.

(1) All courts of record in this state shall have original jurisdiction of all cases of neglected, dependent, or delinquent children, as defined in this subsection, concurrent with that of the circuit courts of this state. The judges of the several courts of record in each county of this state shall, at intervals of not exceeding one year, designate one or more of their number, whose duty it shall be to hear at such places and times as he or they may set apart for such purpose, all such cases; and in case of the absence, sickness or other disability of such judge, he shall designate a judge of any court of record whose duty it shall be to act temporarily in his place.

a The words "dependent child" and "neglected child" shall mean any child under the age of sixteen years, who for any reason is destitute or homeless, or abandoned or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame, or with any vicious or disreputable person, or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child; or any child under the age of eight years who is found begging, or singing or playing any musical instrument upon the street for gain or is used in aid of any person so doing.

b The words "delinquent child" shall include any girl under the age of eighteen years and any boy under the age of seventeen years, who violates any law of this state, the penalty for which is not imprisonment in the state prison, or who violates any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly patronizes any place where any gaming device is or shall be operated; or who knowingly visits or enters a house of ill repute; or who patronizes, visits or enters any stall saloon, or wine room, or any saloon frequented by men

or women of bad repute; or who attends, visits or enters any dance held in any room or hall in connection with a saloon, unless accompanied by parents or legal guardian; or who loafs or congregates with groups or gangs of other boys at or about any railroad yard or tracks; or who habitually uses obscene, vulgar or profane language, or is guilty of immoral conduct in any public place, or about any schoolhouse; or who is habitually truant or habitually insubordinate in any school.

c Where a parental school is available, a juvenile disorderly person may be classed as a delinquent.

(2) The findings of the court shall be entered in a book or books to be kept for that purpose, and known as the "juvenile record;" the court shall be called for convenience the "juvenile court;" and the clerk and stenographic reporter of the court so designated shall be, respectively, the clerk and the reporter of such "juvenile court." The reporter shall attend all sessions of said court, take down in shorthand the testimony taken and proceedings had at such sessions and promptly transcribe the same, and forthwith file a copy with the clerk of such court, and shall furnish such other copies as the judge shall order. Unless the judge shall order otherwise, or unless the person against whom the proceeding is instituted demands a public hearing or trial, the hearing or trial of all matters relating to dependent, neglected or delinquent children shall be private, and all persons, except the officers of the court, the parties, their witnesses, and counsel, shall be excluded therefrom; and the record thereof shall not be open to the public except upon the order of the judge.

(3) Whenever in any county containing one or more cities of the second or third class any court is designated as the juvenile court and there is no clerk of such court other than the register in probate, the judge may appoint, by an instrument in writing filed with the county clerk, a clerk of the juvenile court, who shall be a stenographer and shall perform the duties of clerk and reporter of said court. Such clerk shall take and file the official oath and shall receive a salary of seven hundred and twenty dollars per annum, unless otherwise fixed by the county board.

(4) In the trial in a juvenile court of any dependent or delinquent child, any person interested may demand a jury of six persons, or the judge of his own motion may order such jury, to try the case. Such jury shall be obtained and the trial shall proceed in the manner provided in sections 4750 to 4758, both inclusive. [*Stats. 1917 s. 273-1 subs. 1 to 3, 573-2 subs. 1 to 3, 3m, 7; 1919 c. 614 s. 2.*]

48.02 Appointment and compensation of probation officers. (1) In counties whose population is one hundred fifty thousand or over the judges of the several courts of record shall in each odd-numbered year appoint, for a term commencing on the first day of July in said year, a chief probation officer and three or more probation officers of the juvenile court, at least one of whom shall be a woman over twenty-five years of age.

(2) In counties having less than one hundred and fifty thousand population the county board may, in its discretion, provide for the appointment of one or more probation officers; and in case such provision is made the judge of the juvenile court shall biennially appoint such officer or officers, to serve in said court.

(3) In case of the absence or disability of any of said probation officers for any period of more than three weeks the judge of the juvenile court shall designate some competent person, having the qualifications of an original appointee to act as probationer officer during such period.

(4) Such probation officers and temporary substitutes shall receive such annual salary for their services as shall be fixed by the county board; which shall be payable monthly by the county in which such juvenile court is situated. A reasonable amount for postage and stationery shall be allowed to the probation office upon requisition therefor made to the county clerk.

(5) Any probation officer or his substitute may be removed, by the judge or judges by whom he was appointed, for incompetence, or wilful or habitual neglect to perform the duties of his office. [*Stats. 1917 s. 573-2 subs. 4 to 6; 1919 c. 614 s. 8.*]

48.03 Duties of probation officers. (1) In counties where a chief probation officer is appointed, said officer shall have office hours daily during the same hours as the clerk of the courts, in an office which shall be furnished and equipped for the use of said officer and his assistants by the county board in the building in which said juvenile court is held.

(2) The said chief probation officer shall attend all sessions of the juvenile court, and take such action as shall be for the best interests of the children brought before such court; know before each session of the juvenile court the full list of cases to appear before the court, and secure before trial such investigation of the conditions surrounding each child's life, as shall be necessary for the protection of the child in court; receive all persons having business before the juvenile court and assist them in procuring necessary and suitable papers, and in general, advise all persons needing information in regard to cases in which children are concerned, and assist in the proper disposition of such matters coming before the courts; supervise the work of all probation officers appointed to serve the court and receive and file in his office, in systematic order, their monthly and final reports; and supervise the records of the probation office. But it shall not be part of the duties of such chief probation officer to visit families or to perform the ordinary duties of a probation officer especially appointed for an individual child.

(3) Every other salaried probation officer shall attend all sessions of the juvenile court; perform such work of investigation and office work pertaining to said court, as the chief probation officer or the judge may direct; and act as probationer officer for an individual child when appointment to such case is made by the court, such duty to be performed in the same manner as prescribed for special probation officers.

(4) Salaried probation officers shall have the powers of police officers and deputy sheriffs for the purpose of apprehending dependent, neglected and delinquent children. [*Stats. 1917 s. 573-3 subs. 3 to 6; 1919 c. 614 s. 9.*]

48.04 Special probation officers; duties. (1) The juvenile court may appoint one or more persons to serve, without compensation, as special probation officers during the pleasure of the court. Whenever any child is to be brought before the court the clerk shall, if practicable, notify any such special probation officer, if one has been appointed, in advance; and said probation officer shall make such investigation as may be required by the court, be present in court to represent the child, when the case is heard, furnish the court such information and assistance as the judge may require, and take such charge of the child before and after trial as may be directed by the court.

(2) Any probation officer appointed for a particular child shall become thoroughly conversant with the conditions surrounding the child; be ready to report upon the child's progress at any time until dismissed from the case; and file with the chief probation officer or the court at least monthly, and at such other times as may be required, written, particularized reports in regard to the case. [*Stats. 1917 s. 573-3 subs. 1, 2; 1919 c. 614 s. 10.*]

SUPERVISION AND CUSTODY OF JUVENILES.

48.05 Children not to be sent to the poorhouse; crippled children. (1) No child under sixteen years of age shall be sent as a poor person to any county poorhouse for support and care; but the county superintendents or other officers having the care of the poor shall bring all such cases, when brought to their notice, into the juvenile court in the manner provided in section 48.06.

(2) The juvenile court may commit any child deformed or physically defective at the time of birth, or cause such child to be committed, to the state public school, or to such other appropriate hospital as the court may determine, for surgical or other treatment and care whenever in its judgment such child would be benefited thereby and such treatment has not been or is not likely to be otherwise provided. [*Stats. 561j sub. (13m), 1527; 1919 c. 614 s. 11.*]

48.06 Petition and summons for commitment. (1) Any resident of any county, having knowledge of a child in said county who appears to be either neglected, dependent, or delinquent, may file with the juvenile court a verified petition setting forth the facts. The person making such affidavit shall suffer no personal risk greater than when the proceeding is upon warrant, providing said affidavit is made in good faith.

(2) Upon the filing of the petition, a summons shall issue from the court, requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at the place and time stated in the summons, which time shall be not less than twenty-four hours after service. The parents of the child, if living, and their residence known, or its legal guardian if one there be, or if there is neither parent nor guardian, or if his or her residence is not known, then some relative if there be one and his residence is known, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court, or to bring the child, he may be proceeded against as in case of contempt of court.

(3) In case the summons cannot be served, or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may be issued on the order of the court, either against the parent, or guardian, or the person having custody of the child, or with whom the child may be, or against the child itself, to take and bring such person before the court. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner, subject to the provisions of subsection 4.

(4) In case the summons or notice of hearing cannot be served upon and there shall be no appearance at the hearing in said proceeding by the parents, legal guardian or other person entitled to the custody of such child, no order shall be

entered permanently depriving such person of the care and custody of such child, except upon publication of notice and hearing by the juvenile court in the manner provided by section 4022; but the court may make a temporary disposition of the case as provided in section 48.07. [*Stats.* 1917 s. 573-4, 573-5 *subs.* 1 to 2a; 1919 c. 614 s. 11.]

48.07 Disposition of dependent and neglected children.

(1) When any such child shall be found to be dependent or neglected the court may make an order committing the child to the care, custody and guardianship of some suitable state or county institution as provided by law, or to the care, custody and guardianship of some incorporated association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children; or the court may make a temporary disposition of such case by placing such child in the care and custody of the probation officer or of some suitable person or institution for such period of time as the court shall see fit, not exceeding three months at one time, not exceeding, however, a total period of one year, during which the parent or other person from whose custody such child is taken may be put upon probation and required to report to the court.

(2) If it shall appear to the court, during such period of probation, that the conditions have ceased to exist which caused such child to be dependent or neglected, and that it will be for the best interests of the child to be returned to the parent or person from whom he was taken, the court may release such child to the care and custody of such parent or other person and may dismiss the proceeding or extend the period of probation pending final disposition of the case.

(3) During such period of probation the county shall be liable for the reasonable expense of the maintenance of such child, such expense to be definitely fixed by order of the court, but the court may, as a part of the conditions of probation, require any person who is before the court and who is legally liable for such support to pay in the first instance or to refund to the county all or any part of such cost of maintenance. [*Stats.* 1917 s. 573-5 *subs.* 3 to 5; 1919 c. 614 s. 13.]

48.08 Disposition of delinquent children. When any such child shall be found delinquent the court may by order:

(1) Place the child on probation and commit it to the care of a probation officer, allowing it to remain in its own home, subject to the visitation of the probation officer. Such child shall report to the probation officer as often as may be required, and may be returned to the court on the original charge for further proceedings whenever such action may appear necessary. Any such order of probation shall continue, subject to the further order of the court, until the child, if a girl, has reached the age of eighteen years, or if a boy, the age of seventeen years; but when a girl between the ages of seventeen and eighteen years, or a boy between the ages of sixteen and seventeen years, shall be found delinquent, the order of probation may continue for one year from the date of the original hearing, in the same manner and upon the same condition as in other cases.

(2) Cause the child to be placed in a suitable family home or institution, subject to the friendly supervision of a probation officer and the further order of the court; or authorize a probation officer to board out the child in some suitable family home, if provision is made by voluntary contribution or otherwise for the payment of such board, until a suitable provision may be made for the child in a home without such payment.

(3) Commit the child to an industrial school for boys or girls, respectively, or commit the child to the care and custody of some association or institution that will receive it, embracing in its objects the care of neglected, dependent or delinquent children. [Stats. 1917 s. 573-6 sub. 1; 1919 c. 614 s. 14.]

48.09 Commitments; transfer of inmates. (1) The juvenile court shall, before committing children to industrial schools, asylums or other institutions for the care of such children, upon application of the parents or guardians thereof, take into consideration, in selecting the institution to which the commitment shall be made, the wishes of such parents or guardians; but if no such application is made, the child, if of proper age and condition, shall be sent to the state public school.

(2) No child now or hereafter committed by any such court to any such institution or provided for therein shall be removed therefrom to the state public school, or to any other institution for the care of dependent or neglected children, without the express consent of the officers of the institution to which it has been committed, or in which it is provided for, or of the parents or general guardian of such child, or of the state board of control unless by a majority vote of the county board in a case in which the county supports or contributes to the support of such child. When such consent is obtained or such action taken by the proper county board, the state board of control may make the necessary order transferring such child to the state public school.

(3) Whenever in the opinion of that board it shall be for the best interest of a child committed to that school that he become an inmate of the industrial school for boys or the industrial school for girls, the board may cause such child to be transferred to such industrial school. [*Stats.* 1917 s. 573*b*; 1919 c. 614 s. 15.]

48.10 Supplemental orders; conviction not evidence; costs; appeal. (1) The juvenile court may, when a child is found delinquent, dependent or neglected, order the person having charge of such child to cause such child to be placed in a public hospital or other institution for treatment or special care, or in a private hospital or institution, which will receive it without pay from the public treasury.

(2) Evidence of any conviction in a juvenile court shall not be admitted in any other court. No costs shall be taxed against nor fines imposed upon the defendant in any case in a juvenile court.

(3) In any case where a child is found, determined or adjudged by the juvenile court to be dependent, neglected or delinquent, appeal may be taken directly to the supreme court within twenty days from the date of said finding, determination or judgment, in the manner in which appeals are taken from judgments in civil actions in the circuit court. No undertaking shall be required on such appeal. The finding, determination or judgment of said juvenile court shall stand, pending

the determination of said appeal; but the court may, upon application and in its discretion, stay said finding, determination, or judgment pending said appeal, upon the giving of suitable bond for the care and maintenance of said child in wholesome and proper surroundings to be approved by the court. [*Stats. 1917 s. 573-6 subs. 1m to 3; 614 s. 16.*]

48.11 Trials of minors in other courts. (1) When any delinquent child is arrested, with or without warrant, charged with the violation of any law of this state the penalty for which is not imprisonment in the state prison, or the violation of any city or village ordinance, such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before the juvenile court; or if the child be taken before a justice of the peace or police magistrate, such justice of the peace or police magistrate shall transfer the case to the juvenile court, and the officer having the child in charge shall take such child before that court; and in any such case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as provided in section 48.06; but in any such case a petition shall be filed and the court shall require notice to be given and investigation to be made and may adjourn the hearing from time to time for the purpose.

(2) When in any county a male child under the age of seventeen years or any female child under the age of eighteen years is arrested with or without a warrant, charged with the violation of any law of this state, the penalty for which is imprisonment in the state prison, the magistrate before whom the prisoner is brought shall, as soon as may be, hold a preliminary examination of the offender, and all the provisions of chapter 195 of the statutes, relative to the arrest and examination of offenders, shall be applicable, except that in case it shall appear that an offense has been committed, and that there is probable cause to believe the prisoner guilty, the magistrate shall admit the prisoner to bail or commit him for trial to the juvenile court, or to the current term of the court having jurisdiction of such cases, and the case shall

immediately be placed on the calendar for trial, and all provisions of law relating to proceedings in criminal cases in circuit courts shall be applicable to the trial, sentence and commitment of such offenders in such courts; provided, however, that such court may in its discretion commit such offenders as provided in section 48.08. [Stats. 1917 s. 573-7, 573-8; 1919 c. 614 s. 17.]

48.12 Detention of children pending hearing. (1) No court or officer shall commit a child under fourteen years of age to a jail or police station, but if such child is unable to give bond and there is probable reason to believe that a summons will be ineffectual, the child may be placed in the care of the sheriff, police officer, or probation officer, who shall deliver the child to some suitable place which shall be provided by the county outside of the building or inclosure of any jail or police station.

(2) In the case of a child being under arrest or against whom a petition has been filed, the written order of a sheriff, police lieutenant or chief probation officer, or a probation officer duly deputized by the chief probation officer, and in the case of a child subject to the court by reason of probation, the written order of a chief probation officer or a probation officer duly deputized by him, shall be sufficient for the holding of such child in a duly appointed detention home until the next session of the juvenile court.

(3) When any child under sixteen years of age shall be confined in any institution in which adult convicts are held, it shall be unlawful to confine such child in the same room with such adult convicts, or to confine such child in the same yard or inclosure with such adult convicts, or to bring such child into any yard, hall or room in which such adult convicts may be present. [Stats. 1917 s. 573-9; 1919 c. 614 s. 18.]

48.13 Board of visitation. The judge of the juvenile court may appoint a board of six reputable inhabitants, who will serve without compensation, to constitute a board of visitation, whose duty it shall be to visit as often as once a year all institutions, societies and associations receiving

children committed thereto by said court; said visits shall be made by not less than two of the members of the board, who shall go together or make a joint report; the said board of visitors shall report to the court from time to time the condition of the children received by or in charge of such associations and institutions, and shall make an annual report to the state board of control in such form as the board may prescribe. The county board may at its discretion make appropriations for the payment of the actual necessary expenses incurred by the visitors in the discharge of their official duties. [Stats. 1917 s. 573-10; 1919 c. 614 s. 19.]

STATE INDUSTRIAL SCHOOLS.

48.14 Object. The Wisconsin Industrial School for Boys shall be the place of confinement and instruction of all male children, and the Wisconsin Industrial School for Girls of all female children, within the age limits prescribed in section 48.15, who shall be committed thereto in the cases provided by law. [Stats. 1917 s. 4961; 1919 c. 614 s. 20.]

48.15 Commitment to industrial schools. (1) Any male child under the age of sixteen or any female child under the age of eighteen, convicted of a criminal offense, may, in the discretion of the judge or magistrate before whom the case is tried, be committed to one of the industrial schools of this state instead of to the state prison, house of correction, county jail or police station, as the case may be.

(2) The courts of record of this state may, in their discretion, commit to one of the industrial schools of this state any male child between the ages of eight and seventeen years, or any female child under the age of eighteen, having a legal residence in the county, who, upon complaint and due proof, is found to be a vagrant or so incorrigible and vicious that a due regard for the morals and welfare of such child manifestly requires that it shall be committed to said school.

(3) All commitments to any industrial school shall in the case of boys be to the age of eighteen years, and in the case of girls to the age of twenty-one years, but no child shall be committed as a vagrant or incorrigible until one of the

supervisors of the town, one of the village trustees, or a superintendent of the poor in the village or city in which the child resides, shall be notified of the arrest of such child and be heard by the judge before whom the child is arraigned.

(4) In all commitments to industrial schools the court shall state, in the commitment paper, the date of the birth of the child committed. The court sentencing any child to be confined in said school shall, together with a copy of the record or certificate of the sentence, transmit to the superintendent of said school a copy of all the evidence in the case, together with a concise statement of all the facts pertinent to the history of the person so committed. [*Stats.* 1917 s. 4966; 1919 c. 614 s. 23.]

48.16 Removal or discharge of inmates; restoration to parents. (1) The state board of control is hereby clothed with the sole authority to discharge any child or children from either of said industrial schools who shall have been legally committed thereto, subject to the power of the governor to grant pardons, and it may return any such child to the court, justice or other authority which ordered or directed its commitment, when in its judgment such child is an improper subject for its care and management or shall be found incorrigible, whose continuance in the school it may deem prejudicial to the management and discipline thereof, or who, for any other cause, in its judgment, ought to be removed therefrom; and in such case said court, justice or other authority shall have power and is hereby required to proceed as might have been done if the commitment had not been ordered to such school.

(2) The board may restore any child duly committed to either of said schools to the care of its parents or guardians before the expiration of its term of commitment if in its judgment it would be most for the future benefit and advantage of such child. [*Stats.* 1917 s. 4962, 4967; 1919 c. 614 s. 24.]

48.17 Instruction and maintenance; escapes; fees. (1) The state board of control shall cause the children committed to either of said industrial schools to be placed at such employments and to be instructed in such branches of useful

knowledge as shall be suited to their years and capacities. The superintendent of each said school shall charge to each of the several counties, in a book provided by him for that purpose, the sum of two and one-half dollars per week for the care and maintenance of each child in said schools from each of such counties; and the cost of the original commitment of all persons to said school shall be chargeable to the county from which the person committed thereto is sent; and said superintendent shall procure the arrest and return of any person escaping therefrom; and any justice of the peace, marshal or constable, upon information of such escape, shall arrest and return any such fugitive as above mentioned.

(2) When any sheriff or other officer or other person appointed by the board shall execute a commitment to any state industrial school he shall be entitled to receive therefor from the proper county his actual and necessary expenses and the further sum of five dollars, and no more, for each day while necessarily engaged in executing such commitment. [Stats. 1917 s. 4963; 1919 c. 614 s. 26.]

48.18 Reports and record as to liability of counties.

(1) The superintendents of the Wisconsin Industrial School for Boys and the Wisconsin Industrial School for Girls, respectively, and the managers of every other industrial school which has the right to claim compensation from any county for the support of inmates therein, shall, on the first day of July in each year, report to the juvenile court of each county the names of all children in such school during the preceding year whose support is chargeable to the county, with the date when each was received and the date when each ceased to be an inmate thereof, whether by death, escape, final discharge, binding out or otherwise, with such other information as may show the extent to which the county is liable.

(2) Each juvenile court judge shall record in a book all the information obtained pursuant to this section and similar information as to commitments made by himself and his predecessors in office, so far as the same are in force. [Stats. 1917 s. 4970; 1919 c. 614 s. 28.]

STATE PUBLIC SCHOOL

48.19 Object. The object of the State Public School shall be to care for and educate physically, intellectually and morally such dependent or neglected children as may be placed therein until such times as temporary homes can be procured for them in good families. [Stats. 1917 s. 573; 1919 c. 614 s. 29.]

48.20 Children entitled to admission; return; homes; fees and expenses. (1) The board of control shall admit as pupils in said school children under fourteen years of age who are in a suitable condition of body and mind to receive instruction and who shall be found dependent upon the public for support; but in admitting children said board shall give the preference to those under twelve years of age and to dependent and indigent orphan or half orphan children of deceased soldiers and sailors of this state.

(2) Children received into the school, unless sent therefrom as hereinafter provided, shall be retained until they are sixteen years of age; and may, in the discretion of the board, remain after they have reached that age until a home is provided for them. Any child may be returned to the county from which it was sent to said school on its attaining the age of sixteen years if no home has been obtained for it, or at any time after its admission if said board be satisfied that it was unsound in mind or body at the time it was admitted or if for any other reason the board shall consider the child an improper inmate of the school. On the return of any child, pursuant to law, the guardianship of the board of control shall cease and the child so returned shall become a charge on the county from which it was sent. Said board shall give the superintendent of poor of the proper county its reasons in writing for returning such child.

(3) The board shall place all such children in worthy homes, within sixty days from and after the date of receiving them, and in case of failure so to do, and every sixty days thereafter, the superintendent of the said school shall make a verified statement of the reasons for such failure in each

and every case, until such child is placed in a home. Said statements shall be countersigned by the physician of the state public school, be filed with the state board of control, and shall be at all times open to the inspection of any citizen of this state.

(4) The compensation paid to any person for taking any child to the state public school shall not exceed the sum of two dollars per day and the necessary expenses, and no charge shall be made for more than one person escorting each child; and whenever practical a woman shall be employed as such escort for any child under three years of age. [Stats. 1917 s. 573a; 1919 c. 614 s. 30.]

48.21 Crippled children. (1) In addition to the classes of children received at the State Public School pursuant to section 48.20, there shall also be received as pupils in the said school, any children under sixteen years of age, residents of this state, who are crippled or deformed in body or otherwise physically defective, or who are suffering from disease through which they are likely to become crippled or deformed or otherwise physically defective, whose bodily ailments or diseases are curable by surgical operation or hospital treatment at the school, with facilities, appliances, material, equipment and professional skill and assistance, provided therefor. All existing provisions of law for the commitment, care, disposition, control and discharge of the inmates of said school, and all restrictions upon their admission except the three years' age limitation, and except as otherwise provided in this section, shall apply to such crippled or deformed children.

(2) The board of control shall engage and fix the salaries of additional physicians, surgeons, nurses, teachers and other employes necessary to carry out the provisions of this section, and shall equip such school with the necessary appliances, material, equipment and facilities therefor.

(3) The expense of treating, educating and maintaining any child in said school under the provisions of this section shall be borne by the parent, parents or guardian of such child, if not indigent, and the amount thereof shall be de-

terminated by the board, but no such child shall be denied admission for the reason that it or its parents or guardian are unable to pay for such treatment, education and maintenance.

(4) The board shall, whenever suitable and reasonable arrangements can be made, transfer any child designated in subsection 1 of this section, or cause any such child to be committed, to some other appropriate hospital in this state wherein such treatment, surgical assistance and care may be given. [*Stats.* 1917 s. 573aa, 573ab; 1919 c. 614 s. 31.]

48.22 Instruction; guardianship; binding out; adoption.

(1) The children in the State Public School shall be educated in the branches usually taught in the common schools and shall have proper physical and moral training.

(2) The state board of control is the legal guardian of all such children. It may place them in families and make written contracts with responsible and suitable persons for keeping them during their minority, or, in the discretion of the board, until they attain the age of eighteen years; provide therein for their education in the public schools where they may reside, for teaching them some useful occupation, for their kind and proper treatment as members of the families in which they are placed, and for the payment, on the termination of such contracts, to said board, to the use of the children, of such sum of money as may have been stipulated in the contracts.

(3) The board may consent to the adoption of any such child by any person or persons in the manner provided by law; and such consent given in writing shall have the same force and effect as if given by the parent or parents of such child. Such consent shall be in duplicate, one copy to be filed with the secretary of the board and the other delivered to the county court in which the proceedings for adoption are taken. On the consummation of such proceedings the guardianship of said board over the child shall cease.

(4) Said board may appoint, to serve during its pleasure, one or more agents of the State Public School, who shall investigate all applications to take any such children, by adop-

tion or otherwise, and the persons who make the same, and shall be authorized to enter into such contracts in writing in behalf of and under the instruction of said board as it may order for the keeping of any such child; but all such contracts shall contain a clause reserving to said board the right to withdraw the child from any person having him when in the opinion of the board the welfare of the child requires it. As often and at such times as shall be directed by the board, each such agent shall visit any or all children placed in charge of any person by said board, inquire into and investigate the condition of such children, and thereupon report to said board. Each such agent, while acting as such, shall be paid his necessary traveling expenses, which shall be charged against the the appropriation for said school. [*Stats.* 1917 s. 573c, 573d, 573h, 573j; 1919 c. 614 s. 33.]

48.23 School record. The board shall provide and keep in said school a record in which shall be entered the names, residences and ages of all children received, the names, post-office addresses, business, habits and character of their parents if living and known, the date of the reception of the children, of the contract of indenture, and the names, occupations and postoffice addresses of the persons with whom children are placed. A brief history of each child shall also be kept and continued during the guardianship of the board. [*Stats.* 1917 s. 573g; 1919 c. 614 s. 34.]

TRUANT DAY SCHOOLS; PARENTAL SCHOOLS.

48.24 Authority to establish. (1) In any city of the first class, the board of education or any board with similar powers may establish and maintain truant ungraded day schools for the purpose of providing for the proper training of children between the ages of seven and sixteen years, who are habitually truant, or insubordinate or disorderly, at any school, or who habitually frequent the streets or other public places, having no lawful occupation or employment; and may, through their truant officers and superintendents of schools, require such children to attend such schools.

(2) For the care and instruction of the same classes of children as aforesaid, such board may establish and maintain a parental boarding school within or without the corporate limits of such city, and may, when such school is maintained, after a notice of seven days to such child and to its parents, guardian or custodian, order such child to be restrained and cared for in such school, with the written consent of such parent, guardian or custodian, upon such terms, financial or otherwise, as shall be arranged between them.

(3) Whenever a parental school is available, such child may be proceeded against in any juvenile court, as a juvenile disorderly person, and upon the the court so finding, may be committed to such parental school until eighteen years of age, subject to earlier discharge as provided in section 48.25.

(4) The authorities of any city or school district not having a parental boarding school, may contract with a city having such school, and in such case all the provisions relating to the commitment and custody of children in said school shall be in force as to such city or school district. [1903 c. 447 s. 1; 1907 c. 186; 1919 c. 614 s. 36.]

48.25 Management of parental school. (1) The board having charge of such parental boarding school shall appoint necessary officers, teachers and agents for said school and make regulations for the government of said school, and the children attending the same, and also rules under which said children may be allowed to return to their homes on parole, but to remain in the legal custody and under the control of the officers of the school, subject to be returned by order of the superintendent of such school upon failure to comply fully with the terms of the parole, or if for any other reason the welfare of the child may demand such return; except as provided in subsection 2.

(2) No child shall be released upon parole in less than three months from the time of his commitment, nor thereafter until the superintendent of such parental school is satisfied from the conduct of such child and the conditions of his home that he will attend school or work regularly. If

such child, so released on parole, continues in regular, orderly attendance at school or work for a period of one year from the date on which he was released on parole, he shall then be finally discharged.

(3) There shall be appointed one or more agents for the regular oversight of children on parole from said school; or regular hours for such parole duty shall be appointed to certain officers or teachers of the school.

(4) Said board shall make suitable provisions so that children confined in a parental school shall be allowed, at least once in each week, to freely receive within the institution, spiritual advice and ministration from any clergyman of good standing in the church or denomination to which such children respectively belong. [1903 c. 447 s. 2, 4; 1907 c. 186; 1919 c. 614 s. 37.]

48.26 Clothing and maintenance of children. It shall be the duty of the parent, guardian or custodian of any child committed to a parental school, to furnish suitable clothing for such child as may be needed, and if able to do so, pay all or a reasonable part of the maintenance of such child; such cost to be fixed by the court committing the child. [1903 c. 447 s. 3; 1907 c. 186; 1919 c. 614 s. 38.]

COUNTY HOMES FOR DEPENDENT CHILDREN

48.27 Establishment. Any county may establish a Home for Dependent Children as provided in section 46.17. In all counties whose population is less than two hundred and fifty thousand, such home shall be governed pursuant to the provisions of sections 46.18, 46.19 and 46.20. [Stats. 1917 s. 697-2 to 697-5; 1919 c. 614 s. 39.]

48.28 Commitment and custody of children. (1) The board of trustees of said home may receive into its charge and under its control by commitment, or otherwise, and become the legal guardian of any child under sixteen years of age residing in the county for which such home for dependent children has been organized, who shall be committed thereto by the juvenile court, or whose parent, or person

standing in his place, by an instrument in writing, shall assign and commit such child to the care and custody of such home.

(2) Such home for dependent children may procure suitable and proper homes for and give away by adoption or place in families in this state upon written contracts any and all such children during their minority, and is hereby constituted the legal guardian of all children committed to or received by it as aforesaid, and may consent in the courts of this state to the adoption of any such child by any person or persons in the manner provided by law; and such consent given in writing shall have the same force and effect as if given by the parent or parents of such child. Such written consent shall be given in duplicate, and one copy shall be filed with the secretary of said trustees, and the other delivered to the county court in which the proceedings for adoption are taken, to be there filed. On the consummation of such proceedings, the custody of said trustees over the child adopted shall cease, except as hereinafter provided. It shall be the duty of the court making the order of adoption to transmit a certified copy of such order to the trustees of the institution from which such child was received.

(3) The board of trustees of such home for dependent children may enter into a written contract with any person who shall take or receive any such child otherwise than by adoption, and such contract shall provide for the proper care, education, and maintenance of such child during its minority, and specify the amount to be paid it at the expiration of the period of such contract, provided that in no case shall such contract contain any provision of a sectarian or partisan nature regarding its care, custody, or education.

(4) It shall be the duty of the court before whom such child is presented to procure a full statement as near as possible setting forth all facts, showing why such child or children should be committed to such home for dependent children. Such statement shall give the exact name or names, age or ages of said child or children, when and where born, full

name of both parents, their family history in reference to tuberculosis, syphilis, insanity, and epilepsy, whether living or dead, their present residence, their previous residence, their financial condition, the name and residence of their nearest relatives, and whether they are able or not to support said child or children. The said statement must show whether such child or children are dependent upon their respective county for support.

(5) If the judge shall find as the result of such examination that such child is dependent or neglected, he shall cause it to be examined by the county physician if there be one, and if there is none, by a respectable practicing physician. Such physician shall certify in writing that he is of the opinion that the child examined by him is of sound mind and is not affected by any chronic or contagious disease, and ascertain whether there is or has been any tuberculosis, syphilis, insanity or epilepsy, and had not been exposed to any contagious disease within fifteen days previous to the examination, and verify such opinion by his affidavit, which shall be attached thereto and filed in the judge's office. A certified copy of such finding and a statement of the facts ascertained as aforesaid, with a copy of the certificate of the physician, shall be delivered with the child at such home for dependent children. [Stats. 1917 s. 697-7; 1919 c. 614 s. 40.]

48.29 Apprenticeship and adoption of children. (1) Such trustees may bind out all minors, who are supported at the expense of the county, in the same manner and with like effect as municipal authorities are authorized to do by section 49.05; but before consenting to the binding out or the adoption of any such minors, shall carefully investigate the qualifications and fitness of such persons to whom such children are to be bound out, or by whom they are to be adopted, and shall inquire into the treatment of children to whose adoption they have given their consent, as herein provided, or who shall have been bound out by such trustees, or by their predecessors in office, and defend them from all cruelty and neglect on the part of those persons who have adopted them, or to whom they have been bound out.

(2) If any child so adopted shall be misused, illtreated or neglected by the person or persons who shall have adopted such child, or by any person under their direction or by their permission, said trustees or any one thereof, in behalf of such child, may file a complaint in the county court for the county in which such person or persons so adopting such child or children reside, setting forth the facts and circumstances of the case, and the court, after having caused such notice as it shall deem reasonable to be given to the person or persons having adopted such child, shall proceed to hear and determine the cause, whether such person or persons who have adopted such child shall appear or not; and if the complaint be sustained, may make an order revoking and setting aside all orders and proceedings made in the adoption of such child by any court, and shall further order in his discretion that said child shall be returned to the dependent home from which such child was adopted, and that the costs of the proceedings be paid by such person or persons against whom such complaint is made. If such complaint made by the officer authorized to bind out minors, or consent to their adoption, be not sustained, the court shall not award costs against such officer, unless it shall appear that the complaint was made without just or reasonable cause. Either party may appeal from any such order to the circuit court in the manner provided for appeals from orders made in probate proceedings. [Stats. 1917 s. 697-6, 697-8, 697-9, 697-10; 1919 c. 614 s. 41.]

COUNTY INDUSTRIAL SCHOOLS

48.30 Establishment. Any one or more counties having a several or joint population exceeding fifty thousand may establish a county industrial school, as provided in section 46.17, for the purpose of keeping and educating delinquent children committed to it by the juvenile court. In any county having a population of two hundred and fifty thousand or more such school shall be governed pursuant to section 46.21, and the board shall appoint an additional superintendent to have charge thereof. In all other counties it shall be governed pursuant to the provisions of sections 46.18, 46.19, and

46.20. In any such school the board in charge shall, in addition to the superintendent, appoint a visiting physician and a matron, who shall continue in office at the pleasure of the board, and shall perform such duties and render such reports as may be required by the board. [*Stats.* 1917 s. 697-18 to 617-23, 697-27 to 697-31; 1919 c. 614 s. 42.]

48.31 **Removals from state or private institutions to county industrial schools.** Upon the request of the chairman of the county board and of the district attorney of any county maintaining a county industrial school, either singly or jointly with one or more other counties, the superintendent of such school may demand and receive the custody of any and all children committed as delinquents to any state or private institution within the state for the support of whom said county or counties are liable. Such removal, however, shall be subject to such rules as the state board of control may adopt. In case any of said state or private institutions shall refuse any such demand properly made, the counties to whom the expense of caring for and maintaining said children is chargeable may, at their option, refuse to pay any and all claims of said state or private institutions for the maintenance of said children incurred after such request shall have been duly made. Any county not maintaining such industrial school may contract with another county or counties maintaining such institution for the care, maintenance and education of its delinquent children. [*Stats.* 1917 s. 697-24; 1919 c. 614 s. 43.]

48.32 **Placing children in homes.** Whenever it shall be deemed advisable by the trustees of said institution to remove any child or person from any such institution to a place or home where they can be taken care of or adopted under the law with the consent and approval of the state board of control, they may do so. [*Stats.* 1917 s. 697-26; 1919c. 614 c. 44.]

AID TO DEPENDENT CHILDREN

48.33 **Mothers' pension.** (1) If any person shall have knowledge that any child is dependent upon the public for proper support or that the interest of the public requires that

such child be granted aid, such person may bring any such fact to the notice of a judge of a juvenile court or of a county court of the county in which child resides.

(2) The said judge may make or cause to be made such investigation and examination before the granting of aid for such child as he may deem necessary. To assist in making investigations and examinations the judge may appoint a board of child welfare for his county to consist of three members, who shall hold office at the pleasure of the judge making the appointment. No salary or wages shall be paid to the members of said committee but they shall be reimbursed their actual and necessary expenses incurred in the performance of their duties, such expenses to be approved by the appointing judge and to be audited and paid by the county as other claims against such county are audited and paid. Such board shall advise and consult with the judge regarding the best method of investigating cases under the provisions of this section; establish a basis of household expenses to compute the amount of aid to be extended to needy families; help needy mothers to expend aid granted economically, and advise them how to keep accounts of expenses; recommend discontinuance and reductions in aid and generally to act, consult and confer with each other and the court relative to any and all problems relating to families to be aided and as to the best methods of carrying out the provisions of this section economically and efficiently.

(3) The proceedings provided for by this section may include one or more children, all of whom may be named in the same notice, and order of the judge thereon.

(4) Upon such investigation the judge may, as the best interests of such child requires, grant aid to it or to its parents or to any person having the care and custody of such child, or commit such child to the state public school, or place such child in the home of a relative or friend of the family or in the home of a person interested in public welfare or make such other disposition of such child as he may deem wise.

(5) Aid for dependent children shall only be granted upon the following conditions: There must be one or more children living with or dependent upon the mother or grandparents or person having the care and custody of such children, one or more of whom shall be under the age of fourteen or between the ages of fourteen and sixteen and unable to secure a permit to work; the mother or grandparent or such other person must have resided in the county in which application is made for aid for at least one year prior to the date of such application; the mother must be without a husband, or the wife of a husband who is incapacitated for gainful work by permanent mental or physical disability, or of a husband who has been sentenced to a penal institution for one year or more, or of a husband who has continuously deserted her for six months or more, during which time all provisions of law have been used to enforce support and none has been obtained, or such mother must be divorced from her husband and must show that she has used all provisions of law to compel her former husband to support her and has been unable to do so. Such deserted or divorced woman need not show that she has used all provisions of law to enforce support, if the court shall be of the opinion that such procedure on her part would be of no avail; the mother or grandparents or person having the care and custody of such children must be a fit and proper person to have the custody and care of the dependent children, and the period of aid must be likely to continue longer than one year. The ownership by a mother of a homestead shall not prevent the granting of aid under the provisions of this section if the rental thereof would not exceed the rental which a family of the same size as the family of such parent, receiving aid, would be obliged to pay for living quarters.

(6) The aid granted shall be sufficient to enable the mother, grandparents or person having the custody of such children to properly care for the children, and shall not exceed fifteen dollars per month for the first child excepting in emergency cases, where the aid to such first child shall be left

to the discretion of the court, and ten dollars per month for each additional child, and in no case shall any one family receive more than forty dollars per month excepting in counties countaining a population of three hundred thousand or over, where the maximum for any one family shall not exceed fifty dollars. Such aid shall be the only form of public assistance granted to the family, and no aid shall continue longer than one year without reinvestigation.

(7) The parent or other person receiving aid under the provisions of this section shall file monthly with the judge of the juvenile or county court of the proper county a statement showing the expenditures of all moneys received as aid under the provisions of this section, together with the original receipts or vouchers therefor. The judge may require the mother to do such remunerative work as in his judgment she can do without detriment to her health or the neglect of her children or her home, and may prescribe the hours during which the mother may work outside of her home.

(8) The county board of each county shall annually appropriate a sum of money sufficient to carry out the provisions of this section. Upon the orders of the judge of the court having jurisdiction, the county treasurer shall pay out the amounts ordered to be paid as aid under the provisions of this section.

(9) The county clerk of each county having a population of one hundred thousand or more shall make a report to the county board at its annual November meeting showing in detail the amount of money advanced by the county to the residents of each town, village and city under the provisions of this section. The county board at such meeting shall determine the amount to be raised and paid by each such town, village and city to reimburse the county for the money so advanced. Within ten days after such determination the county clerk of each county shall certify to the clerk of and charge to each such town, village and city the amount so advanced. Each such town, city and village shall levy a tax sufficient to reimburse the county for such advances, to be collected as

other taxes and paid into the county treasury. If any town, city or village shall fail to raise and pay over such money to the county the county board shall have authority to compel such payment.

(10) On the first day of January of each year the county treasurer shall certify under oath, in duplicate, to the secretary of state and the state board of control the amount paid out by such county during the preceding year for aid under this section, and if the board of control shall approve the same and shall cause its approval to be indorsed by the president and secretary of said board on the certificate received by the secretary of state, the secretary of state shall credit one-third of the amount so certified to be due such county on the state taxes next due therefrom, and the state treasurer shall credit such county with said one-third of such amount in his annual settlement with said county for taxes due the state; provided, that the amount paid by the state to any county in any one year shall not exceed a sum equal to one dollar for each thirty inhabitants thereof; provided, further, that if the total amount paid by all the counties under this section as certified by the county treasurer shall exceed the sum appropriated by subsection 13 of section 20.17, the secretary of state and the state treasurer shall prorate the said sum among the various counties according to the amounts paid out. [Stats. 1917 s. 573f; 1919 c. 251; 1919 c. 308; 1919 c. 466; 1919 c. 614 s. 45.]

48.34 Earnings of self-supporting minors. During any time when, by reason of abandonment, drunkenness or profligacy, a parent of a minor shall neglect or refuse to provide for his support, or for his support and education, the earnings of such minor shall be his sole property as against such parent or any creditor of such parent. [Stats. 1917 s. 2344a; 1919 c. 614 s. 46]

CHAPTER 49

RELIEF AND SUPPORT OF THE POOR

- 49.01 Municipalities must support the poor.**
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49.01 Municipalities must support the poor. Every town, village and city shall relieve and support all poor and indigent persons lawfully settled therein whenever they shall stand in need thereof, except as hereinafter provided. The town board, village trustees, or common council, respectively, in each town, village, or city, shall have the oversight and care of all such poor persons and indigents so long as they remain public charges; and shall see that they are properly relieved and taken care of in the manner required in this chapter. [*Stats.* 1917 s. 1499, 1501; 1919 c. 345 s. 2.]

49.02 Legal settlements. Legal settlements may be acquired in any town, village, or city so as to oblige such municipality to relieve and support the persons acquiring the same in case they are poor and stand in need of relief as follows:

(1) A married woman shall always follow and have the settlement of her husband if he have any within the state; otherwise her own at the time of marriage, and if she then had any settlement it shall not be lost or suspended by the marriage; and in case the wife shall be removed to the place of her settlement and the husband shall want relief he shall receive it in the place where his wife shall have her settlement.

(2) Legitimate children shall follow and have the settlement of their father if he have any within the state until they gain a settlement of their own; but if the father have no settlement they shall in like manner follow and have the settlement of their mother if she have any.

(3) Illegitimate children shall follow and have the settlement of their mother at the time of their birth if she then have any within the state; but neither legitimate or illegitimate children shall gain a settlement by birth in the place where they were born unless their parent or parents had a settlement therein at the time.

(4) Every person of full age who shall have resided in any town, village, or city in this state one whole year shall thereby gain a settlement therein; but no residence of a person in any town, village, or city while supported therein as a pauper shall operate to give such person a settlement therein.

(5) Every minor whose parent and every married woman whose husband has no settlement in this state, who shall have resided one whole year in any town, village, or city in this state, shall thereby gain a settlement therein.

(6) Every minor who shall be bound as an apprentice to any person shall, immediately upon such binding, if done in good faith, thereby gain a settlement where his or her master or mistress has a settlement.

(7) Every settlement when once legally acquired shall continue until it be lost or defeated by acquiring a new one in this state or by voluntary and uninterrupted absence from the town, village, or city in which such legal settlement shall have been gained for one whole year or upward: and upon acquiring a new settlement or upon the happening of such voluntary and uninterrupted absence all former settlements shall be defeated and lost.

(8) Whenever any territory shall be organized into or attached to any town, village, or city, every person having a legal settlement in such territory, and who actually dwells or has his home, or if absent, had his last dwelling place or home therein, shall thereafter have a legal settlement in such new town, village, or city or in the town, village, or city to which such territory is so attached, as the case may be. The organization into or attachment to any town, village, or city of any territory shall not prevent any person from acquiring a legal settlement therein within the time and by the means by which he would have gained it there if no such new town, village, or city had been organized or such territory had not been attached. [*Stats.* 1917 s. 1500; 1919 c. 345 s. 3.]

49.03 Local relief of transient paupers. (1) When any person not having a legal settlement therein shall be taken sick, lame, or otherwise disabled in any town, city or village, or from any other cause shall be in need of relief as a poor person and shall not have money or property to pay his board, maintenance, attendance and medical aid, the town board, village board or common council shall provide such assistance to such persons as it may deem just and necessary, and if he

shall die, it shall give him a decent burial. It shall make such allowance for such board, maintenance, nursing, medical aid and burial expenses as it shall deem just, and order the same to be paid out of the town, city, or village treasury.

(2) The expenses so incurred shall be a charge against the county. The account therefor shall be audited by the county board and paid out of the county treasury, and may be recovered by said county of the town, city or village in which such person so relieved has a legal settlement; or if such settlement be in a county operating under the county system of maintaining its poor, the recovery may be from such county.

(3) The clerk of the municipality furnishing such relief shall ascertain, if possible, the municipality in which such settlement is located, and within ten days after such person becomes a public charge, shall serve upon the county clerk of his county a written notice which shall state the name of the person who has received public aid, the name of the municipality where such person claims a legal settlement, or, if such place could not, after due diligence, be ascertained, a statement of such fact, and the date on which the first aid or support was furnished. In case such notice is not given within ten days, the same may be given at any other time, but the county shall be liable only for the expense incurred for the support of such person from and after the time of the giving of such notice.

(4) The county clerk shall file such notice in his office, and shall within ten days after the receipt thereof serve a written notice, containing the information so received, upon the county clerk of the county in which such person claims a legal settlement, and, if such county is not under the county system of maintaining its poor, the county clerk thereof shall at once forward such notice to the clerk of the town, city, or village in which such person claims a legal settlement. In case such notice is not given within such ten days the same may be given at any other time, but the municipality so notified shall only be liable for the expense incurred by such county for the support of such person from and after the time of the giving of such notice.

(5) The authorities having charge of the poor of the municipality in which such person claims a legal settlement, and, until they shall do so, the authorities having charge of the poor of the county in which such person may be, may take charge of such poor person and relieve him in such other manner as they deem proper.

(6) The clerk of any municipality which may disallow a claim for such expenses or any part thereof, shall within ten days after such disallowance notify in writing the county clerk of the county making such claim of the action thereon, and until such notice is received by such county clerk, the time in which an action may be brought to recover the amount disallowed shall not begin to run.

(7) Upon receipt of notice of the disallowance of the claim of any county, the county clerk receiving such notice shall forthwith notify the district attorney of his county, who shall be authorized and empowered to institute an action in the name of the county for the recovery of so much of said claim as shall have been disallowed, and in such action no county shall be required to give bond for the faithful prosecution thereof or payment of costs adjudged therein.

(8) The mailing within such ten days of any notice herein provided for, in the manner provided by section 2821, shall be a sufficient service of such notice. [*Stats.* 1917 s. 1512, 1512a; 1919 c. 345 s. 4.]

49.04 County relief of transient and local paupers.

(1) The county board of each county shall have the care of all poor persons in said county who have no legal settlement in the town, city or village where they may be, except as provided in section 49.03, and shall see that they are properly relieved and taken care of at the expense of the county.

(2) The board may make regulations, not inconsistent with law, in relation to the support and maintenance of such persons, and may also contract with any town, village, or city in said county to keep and maintain, at the place where the poor supported by the county are kept, such poor persons as may be a charge upon such municipality, at a stipulated price,

the amount of which shall be levied and collected in such municipality in the manner county taxes are levied and collected therein.

(3) The board may also, by resolution adopted at its annual or special meeting, at the expense of the county, relieve and take care of all permanent poor persons who may be a charge upon any municipality in such county and cause them to be committed to the poorhouse of such county, pursuant to section 49.07. [*Stats.* 1917 s. 1517; 1919 c. 345 s. 5.]

49.05 Apprenticeship of minors by municipal boards. When any minor who is not a neglected, dependent or delinquent child as defined in section 48.01 shall become or be likely to become chargeable to any municipality, either because of being an orphan or because the parents or other relations are unable or refuse to support such minor, the authorities having charge of the poor of such municipality shall bind such minor as an apprentice to some respectable householder of the county by written indenture, which shall be executed in like manner and shall be of the same tenor and effect as indentures executed pursuant to chapter 110; and every minor so bound, and the authorities binding him; and his master, shall be subject to all the provisions of said chapter. [*Stats.* 1917 s. 1511; 1919 c. 345 s. 6.]

49.06 Bringing paupers into the state. Any person who shall bring or remove or cause to be brought or removed any poor person from any place without this state into any municipality within it, with the intent to make such municipality chargeable with his support, shall forfeit fifty dollars; and the justice or court before whom such person shall be proceeded against for a violation of the provisions of this section shall, by its judgment, require of such person satisfactory surety that he will, within a reasonable time to be fixed, transport such poor person out of the state or indemnify such municipality for all charges and expenses which have been or may be incurred in his support; and in case of neglect or refusal so to do commit such person to the county jail until he shall comply with said judgment, but for a term not exceeding three months. [*Stats.* 1917 s. 1515; 1919 c. 345 s. 7.]

49.07 Commitments to the poorhouse. Whenever it shall appear to the satisfaction of any judge of any court of record by a petition signed by the officer, if there be but one, or by any two officers charged with the care of the poor in any town, city, village or county, that any person having a legal settlement therein is without sufficient means of support and necessary care and is by reason of sickness, infirmity, decrepitude, old age, drunkenness or pregnancy likely to become a public charge, either temporarily or permanently, or that such person lives in a state of indigence, squalor or filth likely to induce disease, or has removed to another town, city, village or county and has applied for and received temporary relief therein, and that the town, city, village or county represented by the petitioner or petitioners has reimbursed the municipality affording such relief, such judge may commit such person to the poorhouse of his county, if there be one therein, otherwise to the poorhouse of some other county, for a definite time, not less than sixty days, or for an indefinite time, subject to such further order as he may make; but no person shall be so committed without having an opportunity to be heard in person or by some one in his behalf. Any order or process issued by such judge under this section may be served and such commitment may be made by any officer charged with the care of the poor in the county where the proceedings are had. [*Stats.* 1917 s. 1513; 1919 c. 345 s. 8.]

49.08 Reports to county judge. Any officer charged with the care of a poor person whose support may be chargeable in whole or in part to any county or any municipality therein and who shall place such person in any institution shall forthwith report to the county judge of the said county the name and age of said person, the institution in which he is placed, the terms of the contract made for his support or care, and any other information necessary to show the extent of the liability which may thereby rest upon the municipality liable for such support or care; and shall also report to said judge the fact that such person has ceased to be a public charge as soon as he is aware thereof. Each such judge shall keep a record of the information received by him pursuant to the above provisions. [*Stats.* 1917 s. 1514; 1919 c. 345 s. 9.]

49.09 Estimates and expenditures for town poor relief.

The town boards of the several towns shall present at each annual town meeting therein a report showing the amount of money expended by them for the relief and support of poor persons in such town during the then preceding year, the name of each poor person or family relieved and the amount appropriated for the support of each, together with all such other items of expenditures incurred agreeably to the provisions of this chapter; they shall also in said report present an estimate of such sum as in their opinion will be required for the support of the poor in such town for the then ensuing year. [Stats. 1917 s. 1516; 1919 c. 345 s. 10.]

49.10 Property of indigent chargeable; recovery. If any person who has received any relief, support, or maintenance at public charge, under this chapter, or as an inmate of any state or municipal institution, was at the time of receiving such relief, support, or maintenance, the owner of property, the authorities charged with the care of the poor of the municipality, or the board in charge of the institution chargeable with such relief, support, or maintenance, may sue for and collect the value of the same against such person and against his estate. In any such action or proceeding the statutes of limitation shall not be pleaded in defense; but the court may, in its discretion, refuse to render judgment or allow the claim in favor of the claimant in any case where a parent, wife, or child is dependent on such property for future support. The records kept by the state or municipality for the purpose of showing the names and the value of the relief, support, or maintenance furnished shall be prima facie evidence. [Stats. 1917 s. 1505a; 1919 c. 345 s. 12.]

49.11 Liability of relatives; enforcement. (1) The father, mother, husband, children and wife of any poor person who is blind, old, lame, impotent, or decrepit so as to be unable to maintain himself, shall relieve and maintain such poor person, so far as they are able, in a manner approved by the authorities having charge of the poor in the municipality, or by the board in charge of the institution, where

such poor person may be; but no child of school age shall be compelled by this section to labor contrary to the child labor laws.

(2) Upon failure of any such relative so to do the said authorities or board shall apply to the county judge of the county of which such poor person is a resident for an order to compel such relief.

(3) At least fourteen days prior to the hearing on said application notice thereof shall be served upon the person to whom it is directed in the manner provided for the service of summons in courts of record.

(4) At the time and place fixed in said notice the county judge shall in a summary way hear the allegations and proofs of the parties and by order require relief and maintenance from such relatives, if living and of sufficient ability, in the following order: First the husband or wife; then the father; then the children; and lastly the mother. Such order shall specify a sum which will be sufficient for the support of such poor person, to be paid weekly, during a period fixed therein, or until the further order of the court. If satisfied that any such relative is unable wholly to maintain such poor person, but is able to contribute to his support, the judge may, in his discretion, direct two or more such relatives to maintain him and prescribe the proportion each shall contribute, and if satisfied that such relatives are unable together wholly to maintain such poor person, but are able to contribute something therefor, the judge shall direct a sum to be paid weekly by each such relative in proportion to his ability. At any time during the pendency of said order, upon application of any party affected thereby and upon like notice and procedure, the said judge may modify such order. The costs and expenses of the original application shall be paid by such relative or relatives. Full obedience to every such order may be enforced by proceedings as for a contempt.

(5) Any party aggrieved by any such order may appeal therefrom to the circuit court pursuant to the provisions of chapter 175, so far as applicable and necessary; but when the appeal is taken by the authorities having charge of the poor person an undertaking need not be filed. [Stats. 1917 s. 1502, 1502a, 1502b, 1503, 1504; 1919 c. 345 s. 13.]

49.12 Action against relatives. If any relative who shall have been required by such order to relieve or maintain such poor person shall neglect to do so as prescribed in said order, the said authorities or board may recover in an action on behalf of the municipality or institution against such relative the sum so prescribed for every week the said order shall have been disobeyed up to the time of judgment, with costs of suit, for the use of the poor. [*Stats.* 1917 s. 1505; 1919 c. 345 s. 14.]

49.13 Abandonment of wife or children. (1) Whenever the father, or mother, being a widow or living separate from her husband, shall abscond or be about to abscond from his or her children, or a husband from his wife, or when such father, mother, or husband shall be about to remove permanently from the town, village, or city in which he or she may reside, leaving a wife or children, or both, chargeable or likely to become chargeable upon the public for support, or shall neglect or refuse to support or provide for such wife or children, the mayor of the city, president of the village or supervisors of the town where such wife or children may be may apply to the county judge or any justice of the peace of any county in which any estate, real or personal, of the said father, mother or husband may be situated for a warrant to seize the same.

(2) Upon due proof of the facts aforesaid such judge or justice shall issue his warrant authorizing such mayor, president or supervisors, respectively, to take and seize the goods, chattels, effects, things in action, lands and tenements of such person, wherever found in said county; and they shall, respectively, be vested with all the rights and title, as limited in this section, to any such property and things in action which such person had at the time of his departure; and may seize and take the same into their possession. They shall immediately make an inventory thereof and return the same with said warrant and their proceedings thereon to the county court. All sales and transfers of any real or personal property or things in action left in the county from which any

such person shall have absconded, made by him after the issuing of such warrant, whether in payment of an antecedent debt or otherwise, shall be absolutely void.

(3) Upon such return the county court may inquire into the facts and circumstances and may confirm such seizure or discharge the same; and if the same be confirmed shall from time to time direct what part of the personal property shall be sold and how much of the proceeds of such sales and the rents and profits of the real estate shall be applied toward the maintenance of the wife or children of such person. All such sales shall be at public auction.

(4) The mayor, president or supervisors, respectively, shall receive the proceeds of all property so sold and the rents and profits of the real estate of such person and apply the same to the maintenance and support of the wife or children of such person; and they shall account to the said court for the moneys so received and for the application thereof from time to time.

(5) If the person whose property shall have been so seized shall return and support the wife or children so abandoned or give security to the mayor, president or supervisors, respectively, to be approved by them, that such wife or children shall not thereafter be chargeable to such city, village, or town, the said court shall discharge such warrant and order the restoration of the property seized by virtue thereof and remaining unappropriated, or the unappropriated proceeds thereof, after deducting the expenses of such proceedings. [Stats. 1917 s. 1506 to 1510; 1919 c. 345 s. 15.]

COUNTY ADMINISTRATION OF POOR RELIEF

49.14 County poorhouse; officers of the poor. (1) Each county, whether having abolished the distinction between county poor and town, village or city poor or not, may establish a county poorhouse for the relief and support of the county poor, pursuant to the provisions of section 46.17.

(2) In all counties whose population is less than two hundred and fifty thousand such poorhouse shall be governed pursuant to sections 46.18, 46.19 and 46.20; and the trustees

and superintendents of the poorhouse shall also have charge of all county poor relief outside of the poorhouse, and may administer oaths concerning any matter submitted to them, or either of them, in connection with their functions.

(3) In all counties in which a county poorhouse is not established the county board may place all county relief of the poor in charge of a board of trustees and superintendent, governed pursuant to sections 46.18 and 46.19, so far as applicable; or may provide for the support and maintenance of the county poor in such other manner as they shall direct.

(4) Each municipality in which a poorhouse is established shall not contract with any person to conduct the same or to support and maintain the inmates thereof; and all agreements in violation of this subsection are void. [*Stats.* 1917 s. 1518, 1522, 1523, 1526; 1919 c. 345 s. 16.]

COUNTY SYSTEM OF POOR RELIEF

49.15 Adoption of county system. The county board of any county may, at an annual meeting or at a special meeting called for that purpose, by a resolution adopted by an affirmative vote of a majority of all the supervisors entitled to a seat in such board, abolish all distinction between county poor and town, village and city poor in such county, and have the expense of maintaining all the poor therein a county charge; and thereupon the county shall relieve and support the poor in said county, and all the powers conferred and duties imposed by this chapter upon towns, villages and cities shall be exercised and provided for pursuant to section 49.14. [*Stats.* 1917 s. 1519; 1919 c. 345 s. 17.]

49.16 Abandonment of county system. Any such county may, at an annual meeting or at a special meeting called for that purpose, by a similar vote repeal said resolution; and thereafter the poor of such county shall be supported in the same manner as if such distinction had never been abolished. [*Stats.* 1917 s. 1525; 1919 c. 345 s. 19.]

49.17 Special laws not repealed. Nothing in this chapter shall be construed to repeal any law making special provisions for the management and support of the poor in any county. [*Stats* 1917 s. 1529; 1919 c. 345 s. 20.]

CHAPTER 50

TUBERCULOSIS SANATORIUMS

STATE TUBERCULOSIS INSTITUTIONS

- 50.01 Establishment of state sanatoriums.**
- 50.02 Admission of patients; medical examination.**
- 50.03 Maintenance charges.**

STATE TUBERCULOSIS CAMP

- 50.04 Establishment and operation.**
- 50.05 Admission of patients; maintenance charges.**

COUNTY TUBERCULOSIS INSTITUTIONS

- 50.06 Establishment.**
- 50.07 Admission of patients; maintenance charges.**
- 50.08 Public health dispensary.**

STATE TUBERCULOSIS INSTITUTIONS

50.01 Establishment of state sanatoriums. (1) The Wisconsin state tuberculosis sanatorium is established for the treatment of persons afflicted with pulmonary tuberculosis, especially in its incipient stages.

(2) The state board of control shall establish an institution, to be located north of the center line of the state, and to be known as the Northern State Tuberculosis Sanatorium, for the treatment of persons afflicted with pulmonary tuberculosis, especially in its incipient and moderately advanced stages. The board shall construct the necessary buildings for such sanatorium on lands owned by the state if in its judgment any such lands will furnish a site which is appropriate and practicable; otherwise said board is authorized to purchase a suitable site at a price of not to exceed twenty-five dollars an acre, and erect on such site, and equip, such buildings as it deems proper for the purposes of said institution. [*Stats.* 1917 s. 1421-1, 1421-5, 1421-31, 1421-32, 1421-33; 1919 c. 346 s. 2.]

50.02 Admission of patients; medical examination.

(1) Any person who has resided in this state not less than one year last previous and is afflicted with pulmonary tuberculosis in the incipient or slightly advanced stage may be admitted to either of said institutions, but preference shall be given to those suffering from the disease in the incipient form. Applicants for admission shall be given a preliminary medical examination at various places throughout the state, designated by the board of control, as provided in subsection 2.

(2) The board may appoint as medical examiner or examiners of said institutions any reputable physician or physicians, having citizenship in Wisconsin, whose duty it shall be to examine all persons applying for admission. The fee of the examining physician shall not exceed four dollars in any case, payable by the applicant; but if the applicant is unable to pay such fee, it shall be paid as provided in section 50.03. The physicians' report of such examination shall be forwarded at once to the superintendent of the institution; and thereupon, on notice from the superintendent, the applicant shall be admitted. [*Stats.* 1917 s. 1421-6, 1421-7; 1919 c. 346 s. 5.]

50.03 Maintenance charges. (1) All patients admitted to the said institutions shall pay the cost of their maintenance, except as otherwise provided in this section. Such cost shall be determined by the superintendent and the board of control.

(2) Any indigent patient shall file an application with the county judge of the county within which he has a legal settlement, setting forth the fact that he is unable to pay the maintenance charges. Said judge, upon further presentation of the report of the examining physician, and a statement from the superintendent of the sanatorium that the applicant is eligible and can be received, shall make an investigation in the manner prescribed in subsection 1 of section 46.10, except that in such investigation the term "residence" or its equivalent shall be construed to mean "legal settlement."

(3) The support and maintenance of every patient supported in each said institution at public charge shall be paid by the state; but the state shall charge over, as provided in subsection 2 of section 46.10, to the county in which such patient has his legal settlement the entire cost of his clothing toilet articles, and medical examination, and one-half the cost of his maintenance in the institution.

(4) Any person who may be unable to pay the full charge for maintenance may be received and maintained, without the investigation prescribed in subsection 2, upon payment of the amounts chargeable to the county, if the state board of control, after investigation, shall have found that the patient has truly represented his circumstances and is unable to pay more than the amount so chargeable. [Stats. 1917 s. 1421-8; 1919 c. 346 s. 6.]

STATE TUBERCULOSIS CAMP

50.04 Establishment and operation. (1) The state board of control shall establish and operate a state tuberculosis camp, in which persons who are threatened with or recovering from tuberculosis may be received and cared for.

(2) The board shall prescribe regulations for admission to and for the administration of such camp, not inconsistent with this section. [Stats. 1917 s. 1421-30; 1919 c. 346 s. 7; 1919 c. 590.]

50.05 Admission of patients; maintenance charges.

(1) Any person who is threatened with or recovering from tuberculosis and who shall have been a resident of the state not less than one year may be received into this institution and cared for at the rate determined by the superintendent and board of control to be the cost of maintenance.

(2) Any such person who is unable to pay said rate may, with the approval of the board, be credited for work or services performed in lieu of the payment of a part, not to exceed one-half, thereof.

(3) Any such person who is indigent may be admitted pursuant to subsections 2, 3, and 4 of section 50.03, except that the county chargeability shall be determined by his legal residence in the county charged. [*Stats.* 1917 s. 1421-34; 1919 c. 346 s. 8.]

COUNTY TUBERCULOSIS INSTITUTIONS

50.06 Establishment. Every county may, pursuant to section 46.17, establish a county tuberculosis hospital or sanatorium, for the treatment of persons afflicted with pulmonary tuberculosis. In counties whose population is two hundred and fifty thousand or more such institution shall be governed pursuant to section 46.21. In all other counties it shall be governed pursuant to sections 46.18, 46.19 and 46.20; but the superintendent shall be either a graduate trained nurse or a regular licensed physician, and if a trained nurse is appointed the trustees shall also appoint and fix the compensation of a visiting physician, and may also appoint and fix the compensation of a business manager other than the superintendent, and a director of occupational therapy, the latter of whom may be employed on a part time basis jointly with other county or state institutions; and the trustees shall receive the same compensation as is allowed to members of the county board. [*Stats.* 1917 s. 1421-9 subs. 1, 3, 1421-11 sub. 2; 1919 c. 346 s. 10; 1919 c. 679 s. 38.]

50.07 Admission of patients; maintenance charges.

(1) Any person suffering from tuberculosis, who shall have been a resident of the state not less than one year, may be

received into any such county institution and cared for upon payment of a rate which shall not exceed the actual cost of maintenance therein, upon furnishing to the superintendent a certificate of a regularly licensed physician that he is suffering from tuberculosis.

(2) Any such person who is indigent may be admitted and maintained in such institution at the charge of the county in which he has his legal residence, pursuant to subsection 2 of section 50.03, except that the county chargeability shall be determined by his legal residence in the county charged.

(3) Each county maintaining such an institution shall be credited by the state, to be adjusted as provided in section 46.10, for each patient cared for therein at public charge, as follows:

a For each such patient whose support is chargeable against said county, such amount of state aid as shall have been appropriated therefor by the legislature.

b For each such patient whose support is chargeable against some other county, the total cost of his maintenance as determined by the board of trustees of the institution; and the state shall charge over to such other county the difference between such total cost and the amount of state aid so appropriated. [*Stats.* 1917 s. 1421-14 *sub.* 1; 1919 c. 346 s. 11.]

50.08 Public health dispensary. Any county may establish and maintain an out-patient department or a public health dispensary for tuberculosis and other communicable diseases, which may also be used in connection with the correction of physical defects of school children and child welfare work. In counties whose population is two hundred and fifty thousand or more such institutions shall be governed either pursuant to section 46.21, or sections 46.18 and 46.19. In all other counties it shall be governed pursuant to sections 46.18 and 46.19. [1919 c. 529.]

CHAPTER 51

HOSPITALS AND ASYLUMS FOR THE INSANE

- 51.01 Judicial determination of insanity; application and examination.
- 51.02 Notice and hearing; guardian ad litem.
- 51.03 Jury trial.
- 51.04 Detention pending the inquiry.
- 51.05 Commitments.
- 51.06 Execution of commitment; expenses and fees.
- 51.07 Fees of judge and examining physicians; costs and expenses of proceedings.
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- 51.09 Confinement of insane paupers.
- 51.10 Voluntary inmates.
- 51.11 Re-examination of persons adjudged insane.
- 51.12 Transfer and discharge of patients; insane soldiers; non-residents; tubercular patients.
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STATE HOSPITALS

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CENTRAL STATE HOSPITAL

- 51.21 Location and name; object.
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MILWAUKEE HOSPITAL FOR THE INSANE

- 51.24 Establishment; administration.

COUNTY ASYLUMS FOR THE INSANE

- 51.25 Establishment.
- 51.26 Admission of patients; state aid; private patients.
- 51.27 Tubercular patients; segregation and separate maintenance; state aid.
- 51.28 Burial of deceased inmates.

51.01 Judicial determination of insanity; application and examination. (1) Whenever any person within this state shall be believed to be insane, application may be made, in the manner prescribed in subsection 2, by any three citizens to the judge of the county court or of a district court which is a court of record, or in the absence or disability of such judge to the judge of any court of record acting in his place, for the county in which such person is found, for a judicial inquiry as to his mental condition and for an order of commitment.

(2) Such application shall be in writing, and substantially in the following form:

To, County (or District) Judge of County, Wisconsin.

The undersigned, citizens of the said state, hereby make application in behalf of, whom we believe to be insane, now at..... (naming the city, town or village) in the county of, for a judicial inquiry as to the mental condition of said person, and for an order committing him to a hospital or asylum for the insane if found to be insane.

Dated this day of 19..

.....
.....
.....

(3) On receipt of such application the judge to whom it is directed, or in case of his absence or other disability to act, any other judge of a court of record in said county, shall appoint two disinterested physicians to examine the person believed to be insane, who shall have been duly licensed to practice and shall have had at least two years' experience in the practice of their profession, or one year's experience after graduation, as physicians in an insane hospital, and shall be registered by the county judge as thus qualified on a list which shall be kept for that purpose in his office.

(4) Said physicians shall, either in the presence of the judge or elsewhere, as he may direct, by personal examination of such person and inquiry satisfy themselves as to his mental condition, and report, as prescribed in subsection 6, the result of their examination to said judge.

(5) Said physicians shall, before making such examination, give notice to the person to be examined that application has been made for an inquiry into his mental condition, withholding the names of the applicants if they deem wise, and that he can be heard in respect to the same; but if in their judgment such notice would be injurious to such person or of no advantage to him, they may withhold such notice, and shall set forth at length their reason for so doing in their report.

(6) The report of the physicians shall consist of the following questions and the answers of said physicians thereto:

- a What is the age of the patient?
- b Where was the patient born?
- c Present place of residence?
- d Married, widowed, single?
- e If children, how many, and the age of the youngest?
- f What has been the occupation of the patient and the pecuniary circumstances?
- g Is this the first attack? If not, when did others occur, and what was their duration?
- h What was the cause of this attack?
- i Is the disease increasing or stationary?
- j Are there rational intervals? If so, how often and what is their duration?
- k Have any changes occurred in condition of body or mind since the attack?
- l On what subject or in what way is derangement now manifested? State fully. Are there any permanent hallucinations or delusions?
- m Has the patient shown any disposition to injure others, and of so, was it from sudden passion or premeditation?
- n Has suicide or homicide ever been attempted? If so, in what way? Is the propensity now active?
- o Has the patient any disposition to destroy clothing or other property?
- p Is there any disposition to filthy habits?
- q What treatment was pursued for the relief of the patient? Mention fully particulars and effects.
- r Have you made a physical examination of patient? State fully what is the present physical condition.
- s Has restraint or confinement ever been employed? If so, what and how long?

t Did the patient manifest any peculiarities of temper, habits, disposition or pursuits before the accession of the disease; and predominant passions, religious impressions, etc.?

u Was the patient ever addicted to the intemperate use of intoxicating drinks, drugs or tobacco, or any improper habits?

v Has the patient ever had any injury to the head, paralysis, epilepsy or other fits; any sign of tubercular or syphilitic disease; any suppressed eruptions, discharges or sores, or any strong predisposition to hereditary disease?

w Has the patient been successfully vaccinated?

x If epileptic, state duration and frequency of paroxysms and duration of disease.

y Has the patient served in the army or navy of this or any other country?

z What relatives, including grandparents and cousins, have been insane?

za Were the parents blood relations to each other?

zb State any other matter supposed to have a bearing on the case.

zc To whom should letters be addressed in case of death, need of clothing, etc.?

zd Has the patient any infectious disease?

ze In your opinion is the patient insane? If such is your opinion state fully the grounds upon which it is founded, unless you have so stated in your answer to question m.

zf Should the patient be placed in temporary detention quarters or be sent to an insane hospital or asylum for treatment?

zg Have you given notice to the patient that application has been made for an examination into his or her mental condition, and of the opportunity of a hearing? If not, state fully your reasons for withholding such notice.

zh Does the patient desire a hearing in person?

(7) To such report shall be attached the oath of the examining physicians, which shall be substantially in the following form:

STATE OF WISCONSIN, }
..... County. } ss.

..... and....., being each duly sworn, each for himself says that he has made personal examination and inquiry as to the mental condition of, and that the answers to the foregoing questions are true, to the best of his knowledge and belief.

.....
.....

Subscribed and sworn to before me this day of 19..

(8) Such report of the physicians shall be made in each case, whether the question of insanity is tried before a jury or otherwise, and shall be forwarded with the commitment to the superintendent of the hospital.

(9) All proceedings hereunder to determine the question of the insanity of any person and for his commitment shall be filed with the judge to whom the application is directed; and each such judge shall keep a record book in which all applications for judicial inquiries, orders, verdicts, judgments and commitments shall be recorded. [*Stats. 1917 s. 585 subs. 1 to 9. 585 b, 604u; 1919 c. 347 s. 2, 3, 4; 1919 c. 679 s. 39.*]

51.02 Notice and hearing; guardian ad litem. (1) If it appears from the report of the examining physicians that the notice prescribed by subsection 5 of section 51.01 was not given by them, the judge may appoint a time and place for hearing the application, and shall cause notice thereof to be served upon the alleged insane person in the manner a summons is required to be served as prescribed in subsection 1 of section 2636, which notice shall state that application has been made for an examination into his mental condition, withholding the names of the applicants, and that such application will be heard at the time and place named in such notice; but if it shall be made to appear to the satisfaction of said judge by the report of such physicians or otherwise that such hearing and the service of such notice would be injurious or without advantage to the alleged insane person by reason of his mental condition, such service of notice may be omitted.

(2) If such notice be ordered and served and a jury trial be not awarded, as provided in section 51.03, the judge may proceed at the time and place specified in such notice, or if such notice be not ordered, then, upon the report of the physicians, he may proceed summarily to make such further investigation as may seem to him necessary and proper; and if he shall be satisfied by all the evidence adduced that said person is insane, he may order him to be committed to the hospital or asylum for the insane as provided in section 51.05,

stating in such order that the same was made without personal notice to the person adjudged insane, and the reasons, in brief, for failure to require such notice.

(3) At any stage of any such proceeding the judge may, if he thinks the best interests of the alleged insane person requires it, appoint a guardian ad litem for such person, the expenses thereof and such reasonable compensation of the guardian as may be allowed by the judge to be paid by the county in which the proceedings are had. [Stats. 1917 s. 585a; 1919 c. 347 s. 5.]

51.03 Jury trial. If a jury trial be demanded by the alleged insane person or by any relative or friend acting in his behalf, before or after commitment, the judge shall direct that a jury be summoned to hear and determine the question whether such person is insane. If such a trial is demanded the procedure shall be the same as in trials by jury in justices' courts, and the trial shall be in the presence of the alleged insane person and his counsel and immediate friends and medical witnesses. All other persons shall be excluded. If the jury finds such person to be insane their verdict, which shall be signed by them, shall be in substantially the following form:

STATE OF WISCONSIN, }
County of } ss.

We, the undersigned jurors in the case of,
having heard the evidence in the case, are satisfied that the
said is a fit person to be sent to a hospital or
asylum for the insane.

If the jury find that the supposed insane person is sane their verdict shall so state, in which case the judge shall forthwith order his discharge. [Stats. 1917 s. 585b; 1919 c. 347 s. 6.]

51.04 Detention pending the inquiry. (1) On receipt by any such judge of the application or the report of the physicians provided for by section 51.01, such judge may, if in his opinion the public safety requires it, deliver to the

sheriff a written order requiring him forthwith to take and confine the alleged insane person in some specified place until the further proceedings provided for by said section can be had or until further order.

(2) The judge may also order the detention of any person whose sanity is being investigated by him, during the investigation and for such reasonable time thereafter as he may deem necessary for proper medical observation, to enable him to determine the necessity of committing him.

(3) Such person shall not be confined in any place established for the confinement of criminals or in any poor-house, unless it shall appear to the judge that confinement therein is essential to the safety of such person or some other person or persons or to the maintenance of the public peace and safety; and the period of confinement under this section shall not exceed ten days unless otherwise ordered by the judge. [Stats. 1917 s. 586; 1919 c. 347 s. 7.]

51.05 Commitments. (1) If the judge or a jury find that the person thus alleged to be insane is a fit subject to be sent to a hospital or asylum for the insane, the judge shall order him to be committed as hereinafter provided.

(2) All commitments, from any county except Milwaukee, of insane persons whose insanity has not become chronic, or of transient or nonresident insane persons, and all commitments of chronic insane persons from any county not having an asylum for the chronic insane, shall be to the state hospital for the insane in the district of which the county in which the proceedings were had is a part.

(3) If such person is a resident of the county in which the proceedings are had and there is therein a county asylum for the chronic insane, and the judge is satisfied by the examination and proofs that the insanity of such person has become chronic, he may commit such person to such asylum; but in such case no payment will be made by the state toward the maintenance of such person until the expiration of five days after the state board of control shall have received copies of the commitment papers, together with a certificate of the judge stating the reasons for sending such person to the county asylum in the first instance instead of to the state hospital.

(4) In the county of Milwaukee the commitment shall be either to the Milwaukee county hospital for the insane or the Milwaukee county asylum for the chronic insane, in the discretion of the judge, having due regard to the condition of the person committed and the nature of his or her malady.

(5) No person idiotic from birth shall be committed to either state hospital for the insane; neither shall any person physically infirm or mentally imbecile and not deemed dangerous when at large be committed solely because of such infirmity or imbecility.

(6) Should an insane person who is violent or dangerous, or about to become so, be brought to any hospital or asylum under a commitment which for any reason is void or irregular, the superintendent may detain him for a period not exceeding ten days to permit the procurement of a valid and regular commitment. [Stats. 1917 s. 584, 585c, 587b; 1919 c. 347 s. 8.]

51.06 Execution of commitment; expenses and fees.

(1) If any relative or friend of any person committed to any hospital or asylum for the insane, being of legal age and competent to perform the duty, shall so request, the warrant for such commitment may be delivered to and executed by him, for which he shall be paid his necessary expenses, not exceeding the fees and expenses now allowed to sheriffs according to law; otherwise it shall be delivered to the sheriff, who, taking such assistants as the court issuing such warrant may deem necessary, shall receive such insane person and convey him to the hospital or asylum. Every female over ten years of age so committed shall be accompanied by a competent female.

(2) The sheriff shall be allowed the following fees for services performed under this chapter: For arresting and bringing a person alleged to be insane before the judge and subpoenaing witnesses, the same fees as are allowed in other cases; for taking an insane person to the hospital or removing one therefrom, five dollars per day, railroad fare and other actual expenses and the actual expenses for the support and transportation of such person, and three dollars per

day, railroad fare and necessary expenses of such assistants as may be ordered by such judge, vouchers to be rendered for expenses in all cases; witnesses subpoenaed before the judge shall be entitled to the same fees as are allowed by law in other cases before courts of record, said fees and charges to be paid out of the county treasury. [Stats. 1917 s. 601, 602; 1919 c. 347 s. 9.]

51.07 Fees of judge and examining physicians; costs and expenses of proceedings. (1) The judge, except in Milwaukee county, shall receive a fee of five dollars for the hearing of an application to commit a person alleged to be insane, which fee shall include the making of necessary copies of the order to commit such person and the commitment papers, together with the certificate required by section 51.05 when the insane person is committed to the county asylum.

(2) Each of the examining physicians shall receive a fee of four dollars for his examination and certificate, and ten cents per mile for necessary travel in complying with the requirements of his appointment; and in any contested matter arising under this chapter or in any case where the judge, in his discretion, shall postpone the examination of such person, a fee of four dollars for each day he may be required by the county judge to attend before him on such examination.

(3) All expense of the proceedings, from the presentation of the application to the actual commitment or discharge of the alleged insane person, whether such person is a resident or nonresident of the county in which the proceedings are had, shall be allowed and paid by the county from which such person is committed or discharged, in the same manner as the expenses of a criminal prosecution in a justice's court are allowed and paid.

(4) If the insane person is a resident of any county in this state other than the county from which he was committed, the commitment shall not be invalid for that reason, and the county in which such person resides shall reimburse the county from which he was committed all lawful expenses

of the examination and commitment, payment thereof to be enforced in the manner that charges for the maintenance of such persons are enforced. [Stats. 1917 s. 585d; 1919 c. 347 s. 10.]

51.08 Maintenance and clothing of inmates. (1) The expense of the maintenance, care and treatment of each inmate in any state or county hospital or asylum for the insane shall be computed at the rate of four dollars and twenty-four cents per week. For each such inmate maintained at public charge elsewhere than in the county of his residence the whole rate shall be chargeable to the state and one-half thereof chargeable over by the state against the county, if any, of which such inmate is a resident. For all other such inmates maintained at public charge one-half of said rate shall be chargeable to the state and one-half to the county of which such inmate is a resident. All such charges shall be adjusted as provided in section 46.10.

(2) Whenever any insane person is committed or transferred to any state hospital, or to any hospital or asylum in any county other than the county of his residence, he shall, in addition to the maintenance charge, be furnished with all necessary clothing. On his admission this shall not be less than the following: For a male, three new shirts, a new and substantial coat, vest, two pairs of pantaloons of woolen cloth, two undershirts, two pairs of drawers, three pairs of socks, a black or dark stock or cravat, two pocket handkerchiefs, a good hat or cap, a pair of new boots and shoes and a pair of slippers. For a female, in addition to the same quantity of undergarments, shoes and stockings, there shall be two woolen and two white petticoats or skirts, three good dresses, two nightgowns, cloak or shawl and a decent bonnet. Unless such clothing be delivered in good order the superintendent shall not be bound to receive the patient; but he may receive and furnish him with proper clothing. The expense of furnishing all such clothing shall be chargeable to the state, and chargeable over to the county, if any, of which such inmate is a resident, and shall be adjusted as provided in section

46.10, but in addition to the clothing required on admission no county shall be liable for more than forty dollars for clothing for any one patient in any one year. [Stats. 1917 s. 589; 1919 c. 347 s. 11; 1919 c. 462.]

51.09 Confinement of insane paupers. Whenever it shall appear to the satisfaction of any county judge, by a petition of a majority of the supervisors of any town, of the common council of any city or of the board of trustees of any village, containing a statement of all the facts in the case, that the public safety requires the close custody of any poor insane person having a legal settlement in such town, city or village, such judge shall make and deliver to the sheriff an order in writing requiring him forthwith to take and confine such insane person in some proper place to be therein specified. Such insane person, when so confined, shall be subject to the directions of the said judge and shall receive such care, attention and treatment as such judge shall deem proper and necessary. All expenses incurred in confining, taking care of and maintaining such person, when properly certified to by the county judge, shall be audited by the county board and paid out of the county treasury. [Stats. 1917 s. 1528; 1919 c. 347 s. 12.]

51.10 Voluntary inmates. Any person who may be insane or suffering from mental disorder, may, upon his written application stating his mental condition, supported by the certificate of at least two physicians possessing the qualifications prescribed by section 585, based upon personal examination of such person, be admitted as a voluntary patient to any public hospital for the insane in this state in the discretion of the superintendent thereof, for treatment. Such person, if so admitted to either of the state hospitals, if not indigent, shall be required to pay such sum for his maintenance and at such times as the state board of control may by rule or by-law prescribe, and no charge for his maintenance shall be made against any county; if so admitted to any other public institution for the insane, if not indigent, the trustees thereof shall, in like manner, fix the compensation to be paid for such maintenance and the times of payment thereof, and

no part thereof shall be paid by the state. Otherwise all voluntary patients shall have the same standing and be subject to the same laws, rules and regulations as insane persons, except that they shall have the right to leave such hospital at any time, if in the judgment of the superintendent they are in fit condition, on giving five days' notice to the superintendent of their desire to do so. [*Stats.* 1917 s. 587a; 1919 c. 347 s. 13.]

51.11 Re-examination of persons adjudged insane.

(1) Except as otherwise provided in sections 4697, 4700, and 51.22, any person adjudged insane by any court, tribunal, or officer having lawful authority so to adjudge, or restrained of his liberty because of his alleged insanity, may on his own verified petition or that of his guardian or some relative or friend have a re-trial or re-examination of the question whether such person is sane or insane before the judge of any court of record of the county in which such person resides or in which he was adjudged insane.

(2) The petition shall state the facts necessary to show that the judge to whom it is addressed and presented has jurisdiction to re-try or re-examine the question of the present mental condition as to sanity or insanity of the person in whose behalf such petition is presented. It shall also state whether such person has a general guardian and if so, the name and residence of such guardian, and whether such person is detained in any hospital or asylum for the insane, and if so, its name and location and the name of the superintendent thereof.

(3) The judge shall thereupon by order appoint two physicians, each having the qualifications prescribed by section 51.01, to examine and report to him whether in their opinion the person in whose behalf the petition is made is sane or insane; and shall fix the time and place of such examination and cause reasonable notice thereof to be given to the guardian of the person to be examined, if he has a general guardian, and to the superintendent of the hospital or asylum in which the person is detained, if he is so detained.

(4) The petitioner and parties notified and any relative or friend of the person to be examined may appear at such examination, offer testimony, and be heard. Should the state board of control certify that such superintendent cannot attend such examination without danger of injury to his institution, his deposition may be taken and received pursuant to law.

(5) If such physicians report such person sane and the judge is satisfied that he is sane and no demand for a jury trial is made, the judge shall forthwith cause judgment to be entered to that effect and order his immediate discharge; but if the judge shall direct, or the person examined or his guardian or any of his friends or relatives shall demand, a trial by jury, an order for such trial shall forthwith be entered, and thereupon the procedure shall be, as near as may be, as prescribed in section 51.03. If the judge or jury find that such person is insane, the judge shall order him returned to the hospital or asylum or other place of detention of which he is an inmate; but if at large on parole or leave of absence, he shall be allowed to remain at large, unless the judge is satisfied that it will be unsafe to do so, in which case the judge may order him to be so returned.

(6) All persons who render services in such proceedings shall receive the same compensation as is allowed by law to persons rendering similar services in a judicial inquiry as to the mental condition of a person alleged to be insane, and all expenses of such proceedings shall be allowed, paid and adjusted as provided in section 51.07.

(7) When a proceeding for such re-trial or re-examination is not pending in a court of record and a jury trial is not desired by the persons authorized to commence such proceedings, the state board of control acting as a commission in lunacy may, on application, by like procedure determine the sanity or insanity of any such person committed to any hospital or asylum for the insane, and its determination shall be recorded in the office of the county judge of the county in which such inmate resides or was adjudged insane, and shall have the same force and effect as though made by such judge. The board may also, on or without application, if it

has reason to doubt the insanity of any such inmate, request the county judge of the county in which such inmate resides or was adjudged insane to determine his mental condition, pursuant to this section, and it shall be the duty of said judge to do so. [*Stats.* 1917 s. 587; 1919 c. 347 s. 14.]

51.12 Transfer and discharge of patients; insane soldiers; non-residents; tubercular patients. (1) The state board of control may transfer patients from one hospital or asylum to another if in its judgment it is for the best interest of the patient to be so transferred; and whenever in its opinion it would be for the benefit of patients in either of the state hospitals to remove therefrom any of the chronic insane not chargeable to any county, it may cause their removal to some county hospital or asylum.

(2) The board may, whenever in its opinion any county has not made provision for the proper care of its acute or chronic insane, direct the removal of either class thereof to the asylum of some other county, or to any county possessing suitable accommodations for them; and such removal shall be made at the expense of the county in which such persons reside. Any county whose asylum can accommodate a larger number of chronic insane than are resident therein may receive such insane persons.

(3) Whenever, by a fair trial, it shall have become reasonably certain that any patient in either state hospital is incurably insane, and such patient is retained to the exclusion of others whose cases are of a more hopeful character, the board may transfer him to some county asylum authorized by law to receive such patients.

(4) If the relatives or friends of any patient in either state hospital shall ask the discharge of such patient before such patient has recovered from insanity, the board may, in its discretion, discharge such patient, and may require such relatives or friends or either of them to give a bond to be executed to the state of Wisconsin, in such sum and with such sureties as it may deem proper, conditioned for the safe-keeping of such patient.

(5) Whenever it shall be brought to the notice of the board that any insane person within the state is legally entitled to receive care and support in the national hospital for insane soldiers, it shall take proper measures to procure his admission to said hospital and to transport him there.

(6) Whenever it shall be found that any inmate of any hospital or asylum for the insane is a nonresident of the state the board shall, if possible, ascertain the state, country, or other political division in which such inmate has his legal residence or is entitled to support, and cause him to be transported there if that can be done at a cost not exceeding two hundred fifty dollars; provided that such transportation shall be by the most direct and usual route both going and returning and shall be accomplished in the shortest practicable time and that only necessary and reasonable expenses shall be allowed and actual time necessarily taken by said trip.

(7) The board shall make provision for the segregation, care and treatment of tubercular insane patients in the state and northern hospitals for the insane, and for that purpose may set apart one ward for male patients, and one ward for female patients, in said hospitals, and equip said wards for the care and treatment of such patients. Said board shall transfer from any other parts of the said institutions any tubercular patients who are liable to spread the disease or whose association with other patients is dangerous to them. [*Stats.* 1917 s. 566, 584*pt.*, 594, 596, 587*d.*, 599, 604*f.*; 1919 c. 347 s. 16; 1919 c. 517 s. 3.]

51.13 Parole of inmates; leave of absence; presumption of sanity and discharge by lapse of time. (1) Each superintendent of the state and northern hospitals for the insane and the Milwaukee county hospital for the insane may permit any inmate in his hospital to go at large on parole, if in his opinion it is safe and proper to do so. Whenever within two years after granting such parole it becomes unsafe or improper to allow such persons to remain longer at large, the superintendent shall require his return to the hospital, unless such person shall have been adjudged sane by competent authority.

(2) The superintendent of any county asylum may, upon the written recommendation of the visiting physician thereof, allow any of its inmates to go therefrom on leave of absence for such time and under such conditions as such physician may direct.

(3) Upon the expiration of two years from the time of granting such parole or such leave of absence the authority of the superintendent to require the return to the hospital or asylum of the person paroled or granted leave shall end, and the presumption of insanity against such person because of the original adjudication that he was insane shall cease, and until a new adjudication to the contrary, he shall be presumed sane the same as though his sanity had been established by a judicial determination. [Stats. 1917 s. 587c, 604p; 1919 c. 347 s. 17.]

51.14 Reports to county judge; record. Whenever any person is committed to any hospital or asylum for the insane from any county other than the county of his residence, the superintendent of such hospital or asylum shall immediately notify the county judge of the county of which such person is a resident of the fact of such commitment. Said superintendent shall also notify such judge of the fact whenever any such inmate dies, is discharged, transferred to any other institution, escapes, is paroled or granted leave of absence, or returns from such parole or leave. The county judge shall keep a record of the facts so reported. [Stats. 1917 s. 604p; 1919 c. 347 s. 18.]

STATE HOSPITALS

51.15 Location and name; hospital districts. (1) The hospital for the insane located near the city of Madison shall be known as "The Wisconsin State Hospital for the Insane," and the hospital for the insane located near the city of Oshkosh shall be known as "The Northern Hospital for the Insane."

(2) The governor and the state board of control shall constitute a special board who shall divide the state by counties into two districts, all the insane persons from one dis-

trict to be sent to the hospital near Madison, all from the other to the hospital near Oshkosh; and from time to time shall change the bounds of these districts as may be necessary, arranging them in reference to the number of insane persons supposed to be in them, the capacity of the hospitals and the convenience of access to them. [*Stats.* 1917 s. 580, 581; 1919 c. 347 s. 20.]

51.16 Superintendent's oath and duties; subpoenas on.

(1) The superintendent of each said hospital shall take and file the official oath, and shall devote all his time and attention to his official duties.

(2) The superintendent shall not be compelled to obey the subpoena of any court in any case, civil or criminal, if he shall file with the magistrate or clerk his affidavit that to obey the same would be seriously detrimental and hazardous to the welfare of the hospital under his charge, except when an accusation of murder is to be tried; nor in such case unless the judge shall make a special order therefor, and the subpoena, with a memorandum thereof indorsed thereon, be served one week before the time when he shall be required to appear; but no superintendent shall be entitled in any case to make and file such affidavit, who shall, upon tender of the usual fees of witnesses in courts of record, refuse to be present and to give his deposition at his office, usual place of business, or usual place of abode; and any superintendent so present and giving his deposition who shall be detained four hours from the time fixed for the taking thereof or from the time to which the taking of the same may have been adjourned may make affidavit that further detention would be seriously detrimental or hazardous to the welfare of the persons or business in his charge, whereupon the officer before whom such deposition is being given shall adjourn further proceedings thereon to a future day. [*Stats.* 1917 s. 582; 1919 c. 347 s. 21.]

51.17 Admission of patients. (1) Patients shall be admitted into said hospitals from the several counties as provided in sections 51.05, 51.08, 51.10 and 51.15.

(2) Whenever it shall appear by the commitment to a state hospital for the insane that the residence of a person lawfully adjudged insane is unknown and cannot with due diligence be ascertained such person shall be received by the superintendent into the hospital as a patient from the state at large, and not charged to any county; but such person shall be charged to the proper county when his residence therein shall have been ascertained.

(3) The relatives, friends, or guardian of any patient may pay for his maintenance and clothing, or any part thereof, and the account of such patient shall be credited with any sums so paid; and they may provide him with special care or a special attendant as may be agreed upon with the superintendent upon payment quarterly in advance of the charges and expenses thereof. [*Stats.* 1917 s. 583, 588; 1919 c. 347 s. 22.]

51.18 Fund and clothing on discharge. When any patient is discharged from either of said hospitals as cured the superintendent shall furnish him with suitable clothing and a sum of money not exceeding twenty dollars, unless otherwise supplied, all of which shall be charged to the county, if any, of which such patient is a resident. [*Stats.* 1917 s. 598; 1919 c. 347 s. 23.]

51.19 Children born in hospital. If any patient shall give birth to a living child while such patient is an inmate of either hospital and has not been such for more than nine months, such child shall be immediately removed from the hospital by her friends or by the county in which the patient resided when admitted. The superintendent shall notify the county judge to make such removal, and if such child be not immediately thereafter removed he shall make suitable provision for its care and comfort, and charge all expenses thereof to such county, to be adjusted as provided in section 46.10. [*Stats.* 1917 s. 590; 1919 c. 347 s. 24.]

51.20 Record of inmates. The superintendent of each state hospital for the insane shall cause to be kept a daily record of each inmate, and shall on the first Monday of each month report to the board such information as it may require, showing:

(1) The name, age, residence and date of admission of each person received as an inmate of the hospital during the next preceding month, with a brief statement of his or her mental and physical condition and form of insanity, and name and residence of the guardian or person chargeable for the support of such inmate.

(2) The name, age and residence of each inmate discharged or removed during such month, the condition of each at such time, the reason for each discharge or removal and the place to which each inmate was sent or taken.

(3) The name, age and residence of each inmate who died during the preceding month, the immediate cause of death and the disposition made of the body.

(4) A statement of any unusual restraint or confinement to which any inmate was subjected during such month and the necessity therefor.

(5) The name and particular service required of each person discharged from or who quit his employment during such month, with the reasons for his discharge and the date thereof or of his voluntary retirement from service. [Stats. 1917 s. 561g; 1919 c. 347 s. 25.]

CENTRAL STATE HOSPITAL

51.21 Location and name; object. (1) The hospital for the criminal insane, located at Waupun, is hereby designated the "Central State Hospital for the Insane."

(2) The said institution shall be used for the custody, care, and special treatment of insane persons committed thereto pursuant to sections 4697, 4700 and 51.22. [Stats. 1917 s. 604-1, 604-3; 1919 c. 347 s. 26.]

51.22 Transfer of insane convicts and dangerous patients. The state board of control, acting as a commission in lunacy, as provided in section 51.11, may adjudge any prisoner in the state prison, the state reformatory, the industrial home for women, any county jail or in the Milwaukee house of correction, to be insane, or feeble-minded, and may, with the approval of the governor, remove him to the central state hospital for the insane or to one of the homes for the feeble-

minded. Said board may likewise transfer to said hospital any insane person confined in any state or county hospital or asylum for the insane who, because of suicidal or homicidal tendencies, is dangerous to himself or others. When a prisoner thus removed recovers his reason before the expiration of his sentence he shall, by order of the board, be returned to the prison from whence he was taken. [Stats. 1917 s. 604-4, 4944; 1919 c. 347 s. 31.]

51.23 General statutes applicable; exceptions; contracts with Milwaukee hospital. (1) The provisions of all statutes relating to state hospitals for the insane, except subsections 1, 2, 4, 5, and 6 of section 51.12 and section 51.13, are applicable to the central state hospital for the insane.

(2) With the approval of the governor the state board of control may contract, at a price not exceeding four dollars and twenty-five cents per week for each person, with the board of administration in charge of the Milwaukee hospital for the insane for the care and maintenance of persons who have been committed to the central state hospital for the insane, pursuant to law; and when any such person shall be transferred to such hospital he shall be cared for and maintained under such rules and regulations as may be prescribed by said board of control. All such persons shall be subject to the statutes governing inmates of the central state hospital for the insane.

(3) All persons required by law to be committed or transferred to the central state hospital for the insane, but remaining or confined in any other state hospital because sufficient provision has not been made for their care and treatment at said central state hospital, shall be subject to the statutes governing inmates of the said central state hospital. [Stats. 1917 s. 604-6, 604r; 1919 c. 347 s. 32.]

MILWAUKEE HOSPITAL FOR THE INSANE

51.24 Establishment; Administration. (1) Any county having a population of two hundred and fifty thousand may, pursuant to section 46.17, establish and maintain a hospital

for the insane, for the detention and care of persons adjudged or alleged to be insane pursuant to law and whose insanity has not become chronic. Such hospital shall be governed pursuant to section 46.21.

(2) The state shall compensate the county of Milwaukee for all insane persons maintained at public cost at the Milwaukee hospital for the insane, commencing July first, nineteen hundred nineteen, at the rate of four dollars and twenty-four cents per week for each acute insane person, and two dollars and twelve cents per week for each chronic insane person. The first period of computation for such compensation shall be the year ending June thirtieth, nineteen hundred twenty, and each succeeding period of computation for such compensation shall be each succeeding six months next after the expiration of said year.

(3) The number of weeks that each insane person has been so maintained during each period of computation, shall be ascertained; and the state board of control of Wisconsin shall determine the number of weeks that acute patients have been maintained and the number of weeks that chronic insane patients have been maintained in said institution, and the compensation for the maintenance of such patients shall be based upon the determination made by said board.

(4) The superintendent of said hospital shall, as soon as practicable after the expiration of each such period of computation, prepare a statement giving the name of each insane person maintained at public cost at said hospital during the next preceding period of computation and the number of weeks he or she has been maintained during said period, also showing the aggregate of such weeks for all insane persons so maintained during said period and the amount of compensation to be made by the state to said county therefor, at the rates and upon the basis above fixed by said board, which statement shall be verified by said superintendent and approved by the board of administration in charge of said hospital as correct and true in all respects, and delivered to the state board of control.

(5) Said board of control shall attach to said statement a certificate showing the number of weeks' maintenance fur-

nished to acute insane patients and the number of weeks' maintenance furnished to chronic insane patients, which shall be certified by the secretary and president of said board and filed with the secretary of state, who shall thereupon draw his warrant for the aggregate amount of compensation specified in said certificate and deliver said warrant to the state treasurer, who shall thereupon pay the amount of said warrant to said Milwaukee county.

(6) The county of Milwaukee shall not be entitled to such credit or any compensation whatever from the state for the care of any person who has not been duly adjudged to be insane and properly committed as such, nor for the care of any insane person whose support is not properly a public charge. [*Stats.* 1917 s. 604*v*; 1919 c. 347 s. 33; 1919 c. 462; 1919 c. 552.]

COUNTY ASYLUMS FOR THE INSANE

51.25 Establishment. Every county may, pursuant to section 46.17, establish a county asylum for the chronic insane for the detention and care of persons adjudged or alleged to be insane pursuant to law; and in connection therewith a separate hospital or pavilion for the care of the chronic insane who are afflicted by pulmonary tuberculosis. In counties whose population is two hundred and fifty thousand or more such institution shall be governed pursuant to section 46.21. In all other counties it shall be governed pursuant to sections 46.18, 46.19, and 46.20; but the trustees shall, in addition to the superintendent, appoint a visiting physician of said asylum; and they shall receive the same compensation for their services as is allowed members of the county board. [*Stats.* 1917 s. 603, 604, 604*a*, 604*h*, 604*x*-1, 604*x*-2; 1919 c. 347 s. 34.]

51.26 Admission of patients; state aid; private patients.

(1) Upon completion of the building for such asylum patients may be admitted thereto as provided in sections 51.05, 51.08 and 51.10, and as hereinafter provided, subject to all statutes relating to the supervision of the insane by the state board of control.

(2) The trustees may transfer to and receive into said asylum all inmates of the state institutions for the insane who are residents of said county and held as chronic or incurable, all insane inmates of the poorhouse thereof, all inebriate persons and persons adjudged to be insane according to law, resident in said county and who may be lawfully committed to said asylum.

(3) The trustees may receive into said asylum any inebriate or insane person resident in any other county in the state, not admitted to either of the state hospitals, and such person shall be subject to the provisions of law governing inebriates and insane persons resident in the county in which such asylum is located; but the cost of maintaining such inebriate or insane person shall be adjusted on the basis prescribed in section 51.08.

(4) The trustees may receive into said asylum, for care and treatment at private charge, any inebriate person and any person adjudged to be insane according to the laws of this state, but without extra expense to the state or the county in which the asylum is located. [Stats. 1917 s. 604b, 604c, 604d; 1919 c. 347 s. 34.]

51.27 Tubercular patients; segregation and separate maintenance; state aid. (1) Whenever any county has erected a separate hospital or pavilion for chronic tubercular insane, the state board of control may transfer thereto such chronic insane persons as it may be satisfied are afflicted with pulmonary tuberculosis to such a degree as to render them carriers or spreaders of that disease.

(2) In lieu of the rates prescribed by section 51.08, the state shall be chargeable at the rate of three dollars per week for each such patient resident in the county which maintains said hospital, and four dollars and fifty cents per week for each other patient; and of the latter rate one dollar and fifty cents for each such patient shall be chargeable over to the county, if any, of which such patient is a resident. All such charges shall be adjusted as provided in section 46.10. [Stats. 1917 s. 604x-3, 604x-4, 604x-5; 1919 c. 347 s. 37.]

51.28 Burial of deceased inmates. (1) Whenever a patient in any county asylum for the insane, whose maintenance is chargeable to the state or to any other county, shall die, the superintendent shall immediately notify one or more of the relatives or friends of the deceased of the fact, if such notification be possible by ordinary means; and if such relatives or friends cannot be so notified or will not make provision for the burial of the deceased the superintendent shall provide for the decent and proper burial of his remains.

(2) The reasonable and proper expenses of such notification and burial, not exceeding in the aggregate twenty dollars, shall be chargeable to the state and chargeable over to the county, if any, of which such patient was a resident at the time of his death, and adjusted as provided in section 46.10. [Stats. 1917 s. 604x; 1919 c. 347 s. 38.]

CHAPTER 52

HOMES FOR THE FEEBLE-MINDED

52.01 Names and purpose; departments.

52.02 Commitments; examinations.

52.03 Transfer and discharge of inmates.

52.04 Post-mortem examinations.

52.01 Name and purpose; departments. (1) The object of the Wisconsin home for the feeble-minded, and of the southern Wisconsin home for the feeble-minded, is to care for and have the custody and training of feeble-minded, epileptic and idiotic persons.

(2) Said homes shall be divided into departments as follows: A school department for the educable grades or classes; a custodial department for the helpless and lower types; such other departments or colonies as the welfare of the inmates may require. The board of control shall establish therein such trades and manual industries as are adapted to the several departments. [*Stats.* 1917 s. 573k, 573o; 1919 c. 85 s. 2.]

52.02 Commitments; examinations. (1) Except as otherwise provided, sections 51.01 to 51.10, 51.17, and 51.19 shall govern the examination, commitment and custody of feeble-minded, epileptic, and idiotic persons; but all commitments of such persons shall be to one of the institutions named in section 52.01. In cases of alleged feeble-mindedness, the examination may be made by a clinical psychologist and a licensed physician skilled in mental diagnosis; but no person shall be recognized as a clinical psychologist unless he has received the doctorate degree in psychology, with work in neurology and psychiatry, and has had not less than two years of successful experience in clinical psychological work.

(2) The appointment of the physicians to examine any person alleged to be feeble-minded shall be in writing and substantially in the following form:

The county judge of county, Wisconsin, to M. D.,
and Ph. D., M. D., qualified examiners for feeble-minded-
ness of said state:

You are hereby appointed to make personal examination of
....., who is alleged to be feeble-minded, or an epileptic, and
by such examination and by inquiry to satisfy yourselves fully
as to the mental condition of the said, and report the
result of such examination and inquiry to me at the earliest
practicable time. Such report will consist of your answers to
the following questions:

- a What is the name of the person alleged to be feeble-minded?
 - b What is his age and date of birth?
 - c Where was he born?
 - d What has been his general health and bodily condition?
 - e What is now his general health?
 - f Does he walk?
 - g At what age did he begin to walk?
 - h At what age was any peculiarity first noticed?
 - i In what manner did such peculiarity first manifest itself?
 - j Is he defective in memory?
 - k Is he defective in judgment?
 - l Is he defective in moral sense?
 - m Does he learn as rapidly as the average normal child?
 - n Did normal mental defect become apparent after the age of puberty?
 - o Is there any peculiarity or defect of speech? If so describe the same.
- (Cases of dementia developing in adults and cases of other forms of adult insanity are not eligible for admission to the home.)
- p Is there any infirmity of body or limbs, any paralysis, or any striking physical peculiarity? If so, describe the same.
 - q Is he now subject or has he ever been subject to epilepsy, convulsions, or fits of any kind? If so, describe fully.
 - r Are sight and hearing good?
 - s Does he understand language?
 - t At what age did he commence to talk?
 - u Can he dress and undress himself?
 - v Can he do any work? If so, what kind?
 - w Does he sleep well and quietly?
 - x Has he any unfortunate or vicious habits?
 - y How does he pass his time?
 - z What cause has been ascribed for his mental deficiency?
 - za State any other facts that may have a bearing on the question under investigation.
 - zb In your opinion is he feeble-minded or an epileptic, and if so, state the grounds for your opinion?

(3) Whenever it shall reasonably appear to the supervisor of any town, city, village, or ward in which any feeble-minded, epileptic or idiotic person resides that such person is dangerous to be at large because of his or her vicious and demoralizing acts or tendencies, or is a female of childbearing age and, by reason of her condition, a menace to society, such supervisor shall take measures to have such person brought before the county judge for examination and commitment pursuant to law.

(4) All persons who are or shall be confined in any charitable, curative, reformatory or penal institution in the state who shall, after examination by the board of control, acting as a commission in lunacy as provided in section 51.11, be found to be feeble-minded, epileptic or idiotic may, by order of said board, be committed and transferred to either of the said homes. [*Stats.* 1917 s. 573*p*, 573*s*; 1919 c. 533.]

52.03 Transfer and discharge of inmates. (1) The board of control shall make all necessary regulations to govern the temporary or final discharge of all inmates in said homes.

(2) Whenever any person shall be committed to either home for the feeble-minded and such home shall be filled to its capacity, the board of control may transfer such person to the other home, or if both homes are filled, to a county asylum for the chronic insane.

(3) The superintendent of each home, with the approval of the board of control, shall have power to discharge inmates, but no epileptic inmate shall at any time thereafter be sent or returned to any poorhouse.

(4) In case any person not an epileptic shall be sent to either home through mistake in the diagnosis of his disease or from any other cause, to be determined by the board of control acting as a commission in lunacy, such person shall be returned to, and the traveling expenses of such return shall be paid by, the county from which such inmate was sent to the home.

(5) Should an epileptic inmate of either home become insane he shall be sent to the state hospital for the insane in the district of which he was a resident just prior to his admission to the home, in the manner prescribed by law. [*Stats.* 1917 s. 573*j*-1, 573*j*-2, 573*r*; 1919 c. 85 s. 6.]

52.04 Post-mortem examinations. It shall be the duty of the superintendent of each home, whenever any properly committed inmate of said home shall die, to cause an examination to be made in said home, by the physician in charge, upon the brain of such inmate, if in the judgement of said superintendent such post-mortem examination may prove of benefit to scientific research and investigation. [*Stats.* 1917 s. 573*q*; 1919 c. 85 s. 7.]

CHAPTER 53

THE STATE PRISON

- 53.01 Object; venue.**
- 53.02 Warden; duties, bond, oath and report.**
- 53.03 Deputy Warden.**

CUSTODY, CARE, AND DISCIPLINE OF CONVICTS

- 53.04 Delivery of convict to prison.**
- 53.05 Ordinary custody and maintenance.**
- 53.06 Religious ministration and other instruction.**
- 53.07 Maintenance of authority and order.**
- 53.08 Humane treatment and punishment.**
- 53.09 Hard labor and restriction.**
- 53.10 Solitary confinement.**
- 53.11 Credit for good conduct; forfeiture for bad.**
- 53.12 Time credit for labor; earnings; rewards for exceptionally good conduct.**
- 53.13 Recapture of escaped convicts.**
- 53.14 Burial of deceased convicts.**
- 53.15 Property of convicts; bonus and employment on discharge.**

UNITED STATES CONVICTS

- 53.16 Custody and employment.**
- 53.17 Settlement of accounts for maintenance.**
- 53.18 Special report.**

53.01 Object; venue. (1) The state prison shall be the general penitentiary and prison for the punishment and reformation of all offenders committed and sentenced according to law by any court of the state of Wisconsin or any court of the United States held in the districts of Wisconsin to imprisonment therein.

(2) For the purpose of all judicial proceedings the prison and precincts thereof shall be deemed to be within and a part of the county of Dodge, and the courts of said county shall have jurisdiction of all crimes and offenses committed within the same.

(3) All process served within the precincts of the prison, either upon convicts or upon persons or officers employed therein, except the warden and deputy warden, shall be served and returned by the warden or deputy warden; and all officers and employes of the prison are exempt from military duty and from serving on juries in any court. [*Stats.* 1917 s. 4883, 4884, 4885; 1919 c. 348 s. 3; 1919 c. 443.]

53.02 Warden; duties, bond, oath and report. (1) The warden shall, under the direction of the state board of control, have the charge and custody of the prison, with all lands, buildings, furniture, tools, implements, stock and provisions and every other species of property pertaining thereto or within the precincts thereof, and superintend the police of the prison and discipline of the convicts. He shall enforce the regulations of the board for the government of the officers and convicts of the prison; shall reside in the warden's residence on the prison property; and neither he nor any other officer or employe of the prison shall, directly or indirectly, have any interest or concern pecuniarily in any contract, either verbal or written, which may be entered into for any purposes whatever connected with the business of the prison.

(2) The warden shall take and file an official oath and execute and file an official bond in the sum of twenty thousand dollars with sureties approved by the board; and whenever the board deems further security necessary it may require the warden to execute and file an additional bond or bonds and fix the amount thereof. [*Stats.* 1917 s. 4895, 4896, 4897, 4898, 4999; 1919 c. 348 s. 4.]

53.03 Deputy Warden. The deputy warden shall perform the duties of the warden in the absence of that officer, reside within the prison grounds, and, under the direction of the warden, assist in administering the government and discipline of the prison; and he shall perform all the duties, have all the powers and be subject to all the obligations and liabilities of the warden in case of the disability of that officer or vacancy in that office. [*Stats.* 1917 s. 4901; 1919 c. 348 s. 5.]

CUSTODY, CARE, AND DISCIPLINE OF CONVICTS

53.04 Delivery of convict to prison. (1) The sheriff of each county shall convey to the state prison every person convicted in his county and sentenced to be confined in said prison as soon as may be after such conviction and sentence; and after delivering such convict to the warden, together with a copy of the certificate of conviction of the court ordering such imprisonment, the warden shall deliver to such sheriff a receipt, acknowledging receipt of the prisoner, naming him, which receipt the said sheriff shall file in the office of the clerk of the court where such conviction and sentence were had. Such sheriff shall be entitled to receive from said county the amount actually and necessarily expended by him in transporting such prisoner, including the amount paid for boarding and lodging and such guards as may have been necessarily employed, and such further reasonable sum as shall be a fair compensation for the time necessarily spent in transporting such prisoner, to be fixed and allowed by the proper auditing officer or auditing board of said county.

(2) Whenever a sheriff shall deliver to the warden a prisoner who is under the influence of spirituous liquors said warden shall state such fact in his receipt to the sheriff and send a duplicate of said receipt to the clerk of the court where the conviction and sentence of such prisoner were had, who shall file the same in his office. [*Stats.* 1917 s. 4913, 4914; 1919 c. 348 s. 6.]

53.05 Ordinary custody and maintenance. (1) All convicts in the prison shall be in the charge and custody of

the warden, who shall govern and employ them in the manner prescribed by law and regulations of the prison and in conformity to the respective sentences under which they were committed.

(2) Spirituous liquors or any articles of indulgence shall not be allowed any convict except by order of the physician, which shall be in writing and for a definite period, not exceeding one month; but the warden may in his discretion make a moderate allowance of tea or tobacco to convicts as a reward for industry and good behavior. [*Stats.* 1917 s. 4915, 4920; 1919 c. 348 s. 7.]

53.06 Religious ministration, and other instruction.

(1) The chaplain shall hold divine services in the chapel once on each Sunday, instruct the prisoners in their moral and religious duties, and visit the sick on suitable occasions. He shall also act as librarian and prepare and keep a list of the number and titles of the books in the library; be in attendance at the prison daily during usual business hours, unless excused by the warden; devote not less than three hours per day, once in each week, and oftener, if the board of control shall consider it necessary, to instructing those prisoners who need such instruction in the common branches of English education; and with the consent of the warden call to his assistance in such educational labors such convicts as he may deem qualified. He shall make full report to the warden on the thirtieth day of June in each even-numbered year of all matters connected with his labors during the preceding term, the substance of which report shall be embodied in the report of the warden to the board.

(2) A Catholic clergyman may also be engaged by the warden to hold services once each month for the benefit of prisoners of that faith, at an expense not exceeding two hundred dollars per annum. [*Stats.* 1917 s. 4905, 4906; 1919 348 s. 8.]

53.07 Maintenance of authority and order. All necessary means shall be used, under the direction of the warden, to maintain order in the prison, enforce obedience, suppress

insurrections and effectually prevent escapes, even at the hazard of life; for which purpose he may at all times command the aid of the officers of the institution and of the citizens outside of the precincts of the prison; and any citizen refusing to obey such command shall be held liable to such fines, penalties and forfeitures as apply to persons refusing to obey a sheriff or other officer calling upon the aid of the county to assist in serving a process or for quelling insurrection. [*Stats.* 1917 s. 4922; 1919 c. 348 s. 9.]

53.08 Humane treatment and punishment. The warden and all prison officers shall uniformly treat prisoners with kindness, and the warden shall require of the officers that, in the execution of their respective duties, they shall, in all cases, refrain from boisterous and unbecoming language in giving their orders and commands. There shall be no corporal or other painful and unusual punishment inflicted upon convicts for violation of prison rules. [*Stats.* 1917 s. 4923; 1919 c. 348 s. 10.]

53.09 Hard labor and restrictions. All convicts sentenced to the punishment of hard labor in said prison shall be constantly employed for the benefit of the state, as provided in chapter 56 of the statutes. Communication shall not be allowed between male and female convicts, or between convicts and any person without the prison, except under supervision, as prescribed in the regulations of the prison. They shall be confined in separate cells in the nighttime and in the daytime all intercourse between them shall, as far as practicable, be prevented. [*Stats.* 1917 s. 4918; 1919 c. 348 s. 11.]

53.10 Solitary confinement. (1) Every convict against whom the punishment of solitary imprisonment shall be awarded by sentence of the court or for violation of any of the rules and regulations of the prison shall be confined to one of the solitary cells, and during such confinement shall be fed on bread and water only, unless a physician, called upon to ascertain the fact, shall certify to the warden that the health of such convict requires other diet.

(2) When any convict sentenced to periodical terms of solitary confinement, who shall obtain from the deputy war-

den a certificate that such convict has suffered at least one term of solitary confinement and that ever after such term the conduct of such convict has been good for peaceful obedience, industry and integrity, the board of control may exempt him from further solitary confinement during good behavior. [Stats. 1917 s. 4917, 4929; 1919 c. 348 s. 12.]

53.11 Credit for good conduct; forfeiture for bad.

(1) The deputy warden shall keep a true record of the conduct of each convict, specifying each infraction of the rules of discipline. At the end of each month the said deputy shall give a certificate of good conduct to each convict who shall require it, against whom is recorded no infraction of the rules of discipline. Every convict who is now or may be hereafter confined in the state prison and shall conduct himself in a peaceful and obedient manner and faithfully perform all the duties required of him shall be entitled to a diminution of time from the term of his sentence, not exceeding the amounts specified in the following table, for the respective years of his sentence, and pro rata for any part of a year, where the sentence is for more than a year:

Year of sentence	Good time granted
First year	One month
Second year	Two months
Third year	Three months
Fourth year	Four months
Fifth year	Five months
Every year thereafter	Six months

(2) Any convict who violates any regulation of the prison or refuses or neglects faithfully to perform all the duties required of him, and has become entitled to any diminution of his sentence, shall forfeit from his good time

earned, for the first offense, five days; for the second offense, ten days; and for the third and each subsequent offense, twenty days; and in addition thereto, the warden may, with the consent of the board of control, cancel and deprive him of all or any part of the good time theretofore earned.

(3) Whenever any convict is committed under several convictions with separate sentences they shall be construed as one continuous sentence for the purpose of computing the good time made or forfeited under this section. [Stats. 1917 s. 4928; 1919 c. 348 s. 13.]

53.12 Time credit for labor; earnings; rewards for exceptionally good conduct. (1) Every convict employed on construction or other work outside of the prison walls on the honor system who shall conduct himself in a peaceful and obedient manner and shall faithfully perform all the duties required of him shall be entitled to a diminution of time of five days for each month of thirty days while he is so employed, in addition to the credit for good conduct prescribed by section 53.11.

(2) The board of control may provide for the payment to convicts of such pecuniary earnings as it may deem proper, under such regulations as it may provide, payable out of the fund provided for carrying on the work in which the prisoner is engaged when employed on state account, and by the contractor when the prisoner is employed under contract. The rate of such earnings shall vary for different prisoners in accordance with the pecuniary value of the work performed, willingness, and good behavior.

(3) Whenever any convict, by continued good behavior, diligence in labor or study or otherwise, shall surpass the general average of convicts, the state board of control may, in its discretion, compensate him therefor by the allowance of a sum of money out of his earnings or otherwise, and said board may adopt rules for the payment to deserving convicts, on their discharge or while in prison, of such sums as it may see fit.

(4) Any money accruing to convicts under this section shall be and remain under the control of the board of control, to be used for the benefit of the prisoner, his family, or dependent relatives, under such regulations as to time, manner and amount of disbursements as the board may prescribe; but should any such prisoner wilfully escape or become a fugitive from justice, or commit any breach of discipline, the board may, in its discretion, declare the forfeiture of all earnings remaining to the prisoner's credit, and the same shall be replaced in the fund from which it was originally taken or, in the case of earnings paid by the contractor to the prisoner employed under contract, in the current expense fund of the institution. [Stats. 1917 s. 4928a, 4942, 4942a, 4942b; 1919 c. 348 s. 14.]

53.13 Recapture of escaped convicts. The warden may adopt such measures as he may deem proper to aid in detecting and capturing escaped convicts. [Stats. 1917 s. 4930; 1919 c. 348 s. 15.]

53.14 Burial of deceased convicts. The warden shall, in case of the death of any convict, cause the body to be decently buried or deliver it to the relatives or friends of such convict, if demanded by them within twenty-four hours. [Stats. 1917 s. 4926; 1919 c. 348 s. 16.]

53.15 Property of convicts; bonus and employment on discharge. (1) The money and effects, except the clothes, in the possession of each convict when committed to the state prison shall be preserved by the warden and restored to the convict when discharged.

(2) Every convict, when discharged, shall be provided with a decent suit of clothes and a sum of money, not to exceed five dollars, in addition to transportation, or the means to procure the same, from Waupun to any place within this state, which the warden may, at his discretion and as necessity may seem to require, furnish; and may also be allowed employment in the prison, under the rules established for the government of convicts, for such period of time and at such rate of compensation as the warden, under the direction of the state board, shall deem proper and equitable. [Stats. 1917 s. 4924, 4925; 1919 c. 348 s. 17.]

UNITED STATES CONVICTS

53.16 Custody and employment. The warden shall receive into the state prison all persons convicted before any court of the United States, held within the state of Wisconsin, and sentenced by such court to the punishment of imprisonment at hard labor in said prison, and shall safely keep and employ each such convict pursuant to his sentence and the regulations of the prison, until such sentence shall be performed or the said convict be otherwise discharged by due course of law of the United States. [*Stats.* 1917 s. 4931; 1919 c. 348 s. 18.]

53.17 Settlement of accounts for maintenance. (1) The warden once every six months shall make out and present for settlement to the proper auditing officer of the United States for this state a certified account of the amount which shall then be due and unsettled for the support and maintenance of United States convicts in the state prison of this state.

(2) Whenever said account shall have been audited and allowed, as provided by law, the warden shall file with the secretary of state a copy of such account with the amount allowed thereon. The secretary of state shall thereupon draw his warrant upon the state treasurer for the amount so allowed, payable to the warden out of the state treasury, when the same shall be received from the United States. [*Stats.* 1917 s. 4932, 4933, 1919 c. 348 s. 19.]

53.18 Special report. The warden when making his biennial report shall include therein the number of United States convicts in the prison at the date of such report, the whole number therein during the preceding term, the number received and the number discharged during the same time, the amount received from the general government for their support and maintenance and also the amount that may then be due and unaudited for like purposes. [*Stats.* 1917 s. 4934; 1919 c. 348 s. 20.]

CHAPTER 54

THE STATE REFORMATORY AND INDUSTRIAL HOME FOR WOMEN

54.01 Objects; service of process.

54.02 Sentence and commitment.

54.03 Nature and effect of sentences.

54.04 Trial and commitment records; execution.

54.05 Custody and discipline; allowances for good conduct.

54.06 Institutional record.

54.07 Transfers of convicts.

54.01 Objects; service of process. (1) The objects of the Wisconsin state reformatory and the Wisconsin industrial home for women are to correct and remove those criminal or evil tendencies and influences which render the persons confined therein a menace to society, and help them to become good citizens.

(2) The board of control shall equip and maintain one ward or department of the said industrial home with suitable hospital facilities for the treatment of women afflicted with venereal disease; and shall also equip and maintain a psychological laboratory for the study and treatment of mental disorders to which women and girls addicted to immoral practices are subject. Such females shall be committed for treatment and such industrial training as shall enable them to support themselves properly, and shall be subject to such examinations, treatments, operations and tests, under the regulations of the board, as may be deemed necessary by the state board of health to improve their physical and mental condition.

(3) All process served within the precincts of the reformatory or industrial home, either upon those committed thereto, or upon officers or employes other than the superintendent, shall be served and returned by the superintendent; and all officers and employes of either institution shall be exempt from military duty, serving on juries in any court, and highway poll tax. [*Stats.* 1917 s. 4944a, 4944-r, 4944-x sub. 2; 1919 c. 349 s. 2.]

54.02 Sentence and commitment. (1) Male persons not less than seventeen nor more than thirty, and female citizens of this state not less than eighteen nor more than thirty years of age, of the following classes, may, in the discretion of the court, be sentenced and committed, respectively, to the said reformatory or industrial home, namely:

Class one: Persons convicted for the first time of a felony, except male persons convicted of murder in the first or second degree, and female persons convicted of murder in the first, second or third degree.

Class two: Male persons convicted the first time, and female persons whenever convicted, of any misdemeanor punishable by imprisonment in the county jail or house of correction for one year or more.

Class three: Female prisoners convicted of any other misdemeanor.

(2) Persons previously convicted and committed by the juvenile court shall be classified as above, as though no such previous conviction had occurred. [*Stats*, 1917 s. 4944c, 4944-n; 1919 c. 349 s. 4.]

54.03 Nature and effect of sentences. (1) Except as provided in subsections 2, 3, and 4, the sentence of any person belonging to either of said classes one or two shall be for a specific term, not less than one year, within the limits of imprisonment prescribed by law for the offense of which he is convicted, which term shall commence at the time prescribed in section 4733 for the commencement of terms of sentence to the state prison.

(2) Upon the recommendation of the superintendent and the board of control, the governor may without the procedure required by chapter 57 of these statutes, discharge absolutely, or upon such conditions and restrictions, and under such limitations, as he may think proper, any inmate of the reformatory after he shall have served the minimum term of punishment prescribed by law for the offense for which he was sentenced. Such discharge shall have the force and effect of an absolute or conditional pardon, respectively.

(3) The court may, in its discretion, sentence any such female person belonging to class one or two to the industrial home for women for a general or indeterminate term not less than the minimum nor more than the maximum term of imprisonment prescribed by law for the offense, such term to be not less than one year. Such general sentence shall be substantially as follows:

"You are sentenced to the Wisconsin industrial home for women for a general or indeterminate term of not less than ----- (the minimum for the offense) years, and not more than ----- (the maximum for the offense) years,"

and shall have the force and effect of a sentence for the maximum term, subject to the power of release from actual confinement by parole or absolute discharge by the board of control or by pardon, as provided by law.

(4) In lieu of the penalty provided by statute, or city or village ordinance, under which said offender is tried, the court may commit any female person belonging to class two or three to the industrial home, for a general or indeterminate term, which term shall not exceed five years in any case, subject to the power of release from actual confinement by parole or absolute discharge by the board of control or by pardon, as provided by law. [*Stats.* 1917 s. 4944d, 4944k, 4944-o sub. 1, 2, 3; 1919 c. 349 s. 6.]

54.04 Trial and commitment records; execution.

(1) When any offender is sentenced to the reformatory or to the industrial home, the commitment papers shall consist of the warrant of commitment, and certified copies of the information, indictment or complaint, the plea of the accused, the testimony taken at the trial, the verdict, if there be one, and the judgment and sentence; which copies shall be delivered with the order or warrant of commitment to the officer executing it, and to the superintendent of the institution when the convict is delivered.

(2) In case no testimony is taken at the trial, a statement of the district attorney who prosecuted such case, giving the facts in connection with the case, and the statement of the defendant in court, shall be delivered in lieu thereof.

(3) The clerk of the court furnishing such copies or record shall be entitled to such compensation as may be fixed by the presiding judge, and shall be paid by the county in which trial is had as part of the court expenses.

(4) Whenever any person is sentenced to the reformatory, the order or warrant of commitment shall authorize the officer to whom it is issued to take charge of such convict and convey him to the reformatory and deliver him to the superintendent of that institution, who shall receive and confine him therein until he shall be discharged by due process of law.

(5) Whenever any woman is sentenced to the industrial home the superintendent of said industrial home shall, upon being notified of such sentence, designate and send some suitable woman who is employed in said industrial home to take charge of the convict and convey her to said home; and said employe shall have all the powers of a police officer from the time of her appointment until such convict is delivered to the superintendent of said home. The expenses of making such transfer shall be paid by the county in which such person was convicted.

(6) Whenever any person is sentenced to either of said institutions the court or magistrate pronouncing sentence shall immediately notify the superintendent of said institution thereof. If said institution be filled to the limit of its capacity, the convict shall be retained in the county jail until he or she can be received into said institution; but if convicted of a felony, the court may, in its discretion, commit such convict temporarily to the state prison, to be thence transferred as soon as may be. Notice of such temporary commitment shall be given to the superintendent, and the commitment papers shall be delivered with the convict to the warden of the prison, who shall deliver them to said superintendent when the convict is transferred. [Stats. 1917 s. 4944h, 4944-x sub. 3; 1919 c. 349 s. 7.]

54.05 Custody and discipline; allowances for good conduct. (1) The provisions of section 53.07 and subsection 1 of section 53.15 shall apply to the reformatory, and the powers therein conferred upon the warden and deputy warden are hereby conferred upon the superintendent and assistant superintendent, respectively, of the reformatory.

(2) The time during which any inmate of the reformatory or of the industrial home, who has escaped therefrom, is at large, shall not be computed as any portion of the time for which he or she was sentenced.

(3) Any inmate of the reformatory or of the industrial home under sentence may be prosecuted, before discharge

therefrom, for any criminal offense, and if convicted may be sentenced to undergo the punishment prescribed by law for such offense, to commence at the expiration of the current term of imprisonment. If convicted of more than one offense sentences on such convictions shall be cumulative as provided in section 4733.

(4) The allowances for good conduct prescribed in section 53.15 shall likewise be made to the inmates of the reformatory and of the industrial home who have not been paroled or discharged, and any good time earned in either institution by inmates transferred to or from the state prison shall be allowed in the institution to which they have been transferred. Subsections 2, 3 and 4 of section 53.16 shall apply to inmates of the reformatory. [*Stats.* 1917 s. 4944L, 4944i, 4944-o *sub.* 7; 1919 c. 349 s. 9.]

54.06 Institutional record. When any convict shall be received into said reformatory or industrial home the board of control shall cause to be entered in a register the date of such admission, the name, age, nativity, and nationality, with such other facts as may be obtained as to the parentage, education and previous environments of said inmate. A semiannual entry shall be made on such register of the progress made by each inmate, and in case such inmate is paroled, an entry shall be made on such register of that fact, and also a statement as to her condition at the time of parole. Such register shall show at all times the progress made by the inmates who have been placed upon parole. [*Stats.* 1917 s. 4944-v; 1919 c. 349 s. 11.]

54.07 Transfer of convicts. (1) With the approval of the governor any inmate of the reformatory or of the industrial home, belonging to class one, whose continued presence there is considered detrimental to the other inmates, may be transferred by the board of control to the state prison, and his original term of imprisonment shall be continued therein.

(2) Convicts in the state prison and in the Milwaukee county house of correction belonging to class one, and in any county jail belonging to class two, may with like executive

approval be transferred from any of these institutions to the reformatory or to the industrial home and may be returned to the institution from which they were respectively taken.

(3) Inmates of the industrial school for boys who have reached the age of seventeen years and inmates of the industrial school for girls who have reached the age of eighteen years, and inmates of other institutions, public or private, who have reached like ages, respectively, and who were committed to said institutions by court orders and were then eligible for commitment to said industrial schools, may also be transferred to the reformatory or to the industrial home, respectively, by the board of control; but such boys may be retained at the reformatory only until they are eighteen years of age. Or they may sooner be returned to the school or to the counties from which they were sent to the school.

(4) With each person transferred to the reformatory or to the industrial home from any other institution the warden or superintendent of such other institution shall transmit to the superintendent of the reformatory, or of the industrial home, copies of the original commitment of such person, and of his record of service, conduct and history; and with each person transferred from the reformatory or industrial home the superintendent shall furnish to the institution to which such convict is transferred a like record of service, conduct, and personal history of the convict while in the reformatory or industrial home. [*Stats.* 1917 s. 4944*f*, 4944*g*; 1919 c. 349 s. 12.]

CHAPTER 55

COUNTY JAILS AND OTHER MUNICIPAL PRISONS

- 55.01 Erection and objects of county jails.**
- 55.02 Restrictions on location of prisons.**
- 55.03 Expense charge of keeping prisoners.**
- 55.04 Use of jail in another county.**
- 55.05 Removal of prisoners in case of fire or other casualty.**
- 55.06 Segregation of prisoners.**
- 55.07 Maintenance and sanitation of prisoners.**
- 55.08 Bibles and religious instruction.**
- 55.09 Discipline; solitary confinement.**
- 55.10 Annual inspection.**
- 55.11 Custody of United States prisoners.**

55.01 Erection and objects of county jails. The county board of each county shall cause to be erected, at the county seat, a county jail, which shall be used:

(1) For the detention of persons charged with offenses and duly committed for trial.

(2) For the detention of persons duly committed to secure their attendance as witnesses on the trial of any criminal cause.

(3) For the confinement of persons committed pursuant to a sentence for an offense, or duly committed or held in custody by the sheriff for any cause authorized by law.

(4) For the confinement of persons sentenced to imprisonment in state penal institutions or the Milwaukee house of correction, until such time as they shall be removed to said institutions. [*Stats.* 1917 s. 4945; 1919 c. 78 s. 2.]

55.02 Restrictions on location of prisons. The county jail shall not be located, constructed, or arranged for in the basement of any other building; and no prison, lockup, or temporary place of confinement for insane persons, or persons arrested for breach of ordinance or statute, shall be erected in any village, or city of the third or fourth class, within three hundred feet of any public, private, or parochial school building, or building used regularly or principally for school purposes. [*Stats.* 1917 s. 566 *n*; 1919 c. 78 s. 3.]

55.03 Expense charge of keeping prisoners. All charges for maintaining, while in county institutions, convicts who have been sentenced to confinement in the state penal institutions, prisoners charged with offenses and duly committed for trial, prisoners committed for the nonpayment of fines and expenses, and prisoners sentenced to imprisonment therein, shall be paid out of the county treasury; but no claims shall be allowed to any sheriff or jailer for keeping or boarding any person in the county jail unless such person shall have been committed thereto pursuant to law. [*Stats.* 1917 s. 4947; 1919 c. 78 s. 4.]

55.04 Use of jail in another county. Courts, magistrates and officers of any county having no jail may sentence, commit, or deliver any person to the jail of any other county as

if such jail existed in their own county; and the keeper of such jail shall receive and keep the prisoner in all respects as if committed from such other county; but the cost of such keep shall be paid by the county from which the prisoner was sentenced, committed, or delivered. [Stats. 1917 s. 4946; 1919 c. 78 s. 5.]

55.05 Removal of prisoners in case of fire or other casualty.

(1) If the prisoners in any prison shall be exposed to danger by fire or other casualty, the keeper may remove them to a place of safety and there confine them so long as may be necessary to avoid such danger, and such removal and confinement shall not be deemed an escape of such prisoners.

(2) Whenever the county jail in any county shall be destroyed by fire or other casualty, or shall be insecure for the safe-keeping of prisoners, the sheriff of such county may remove any prisoner to the jail of some other county, where he shall be received and kept the same as if committed thereto, but at the expense of said first mentioned county.

(3) An indorsement on the back of the commitment by which any prisoner is held in custody, made by the sheriff in charge of such prisoner, directed to the jailer or sheriff of such other county, shall be sufficient authority for such jailer or sheriff to hold such prisoner. [Stats. 1917 s. 4955, 4956, 4957; 1919 c. 78 s. 6.]

55.06 Segregation of prisoners. All jails and other municipal prisons shall be provided with suitable apartments or buildings for the separation of criminals from prisoners not criminal; persons of different sexes; persons alleged to be insane; and children under sixteen years of age. All prisoners shall be kept segregated accordingly. [Stats. 1917 s. 4952; 1919 c. 78 s. 7.]

55.07 Maintenance and sanitation of prisoners. (1) The keeper of each prison shall see that the same is constantly kept in a cleanly and healthful condition, and that strict attention is paid to the personal cleanliness of all the prisoners in his custody, and shall cause the apparel of each prisoner to be properly laundered. He shall furnish each prisoner

daily with as much clean water as may be necessary, and with a clean towel once a week. He shall serve each prisoner three times daily with wholesome food, well cooked and in sufficient quantity. The county board shall prescribe the diet of the prisoners in the county jail as to kind and fix the maximum compensation to be paid therefor.

(2) Neither the sheriff, jailer or keeper of any prison nor any other person shall, under any pretense, give, sell or deliver to any person committed to prison for any cause whatever any spirituous liquors or any mixed liquor, part of which is spirituous, or any wine, cider or strong beer unless a physician shall certify in writing that the health of such prisoner requires it, in which case he may be allowed the quantity prescribed, and no more.

(3) The keeper of each prison shall furnish necessary bedding, clothing fuel and medical aid, and in case of a house of correction necessary hospital care and treatment, for all prisoners who shall be in his custody, and shall be paid therefor as provided for the payment for the weekly support of such prisoners and in addition thereto. [Stats. 1917 s. 669 subs. (12), 4949, 4950, 4954; 1919 c. 78 s. 8.]

55.08 Bibles and religious instruction. The keeper of each prison shall provide, at the expense of the county, for each prisoner under his charge, who may be able and desirous to read, a copy of the Bible or New Testament, to be used by such prisoner at proper seasons during his confinement; and any minister of the gospel or person duly delegated by any regularly organized Young Men's Christian Association or any other religious association or corporation within the county, disposed to aid in reforming the prisoners and instructing them in their moral and religious duties, shall have access to them at reasonable and proper times. [Stats. 1917 s. 4951 *part*; 1919 c. 78 s. 9.]

55.09 Discipline; solitary confinement. Whenever any person committed to prison for any cause whatever shall be unruly or shall disobey any of the regulations established for the management of prisons, the sheriff or keeper may order such prisoner to be kept in solitary confinement and fed on bread and water only for a period not exceeding twenty days for each offense. [Stats. 1917 s. 4953; 1919 c. 78 s. 11.]

55.10 Annual inspection. At least once in each year the county board of each county shall visit, inspect and examine each prison therein, as to health, cleanliness and discipline, and the keeper thereof shall lay before it a calendar setting forth the name, age and cause of committal of each prisoner; and if it shall appear to the said board that any of the provisions of law have been violated or neglected it shall forthwith give notice thereof to the district attorney of the county. [*Stats.* 1917 s. 4948; 1919 c. 78 s. 12.]

55.11 Custody of United States prisoners. (1) All sheriffs, jailers, prison keepers and their and each and every of their deputies within the state, to whom any person or persons shall be sent or committed by virtue of legal process issued by or under the authority of the United States, shall be and they are hereby enjoined and required to receive such persons into their custody and to keep them safely until they be discharged by due course of the laws of the United States; and all such sheriffs, jailers, prison keepers and their deputies offending in the premises shall be liable to the same pains and penalties and the parties aggrieved shall be entitled to the same remedies against them or any of them as if such prisoners had been committed to their custody by virtue of legal process issued under authority of this state; provided, that no person sentenced to imprisonment by any court of the United States for a term exceeding eighteen months shall be received in the house of correction of Milwaukee county, the state prison or any other penal institution within this state.

(2) Before every stated term of the United States court to be held within this state the said sheriffs, jailers and prison keepers shall make out, under oath, a calendar of prisoners in their custody under the authority of the United States, with the date of their commitment, by whom committed and for what offense, and transmit the same to the judge of the district court of the United States for the district, and at the end of every six months they shall transmit to the United States marshal for the district, for allowance and payment, their accounts, if any, against the United States for the support and keeping of such prisoners, as aforesaid.

(3) The United States shall be liable to pay for the support and keeping of said prisoners the same charges and allowances as are allowed for the support and keeping of prisoners committed under the authority of this state. [*Stats.* 1917 s. 4958, 4959, 4960; 1919 c. 78 s. 13.]

CHAPTER 56

PRISON INDUSTRIES AND LABOR

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CONVICT LABOR IN STATE PENAL INSTITUTIONS

56.01 Prison industries and products. (1) The state board of control may establish and conduct various industries, and purchase machinery and raw materials, for the employment of prisoners in the state reformatory and state prison, in the manufacture of articles for the state and its municipalities, and for sale in the open market; and shall fix the price of all articles produced as near the market price as possible.

(2) The said board may lease or purchase land within the state for the employment of such prisoners at farm work, beds of limestone for the manufacture of fertilizer, and beds of rock for road-building material; and may employ such prisoners and construct temporary barracks for their custody and safekeeping outside the prison enclosure.

(3) Whenever the said board is prepared to furnish prison products, it shall give notice to the proper officials of the state and each county, or other municipality, of the kind or kinds of products that it is prepared to furnish; and on or before July first in each year thereafter the officials so notified shall report to said board estimates of the amounts of such prison products which they will require for the ensuing year.

(4) The state, or county, or other municipality, receiving such notice, shall not purchase, otherwise than from said board, any products of the kind or kinds specified in said notice, other than road-building material, except upon a permit issued by the said board; and any official who shall violate or participate in the violation of this subsection shall forfeit not to exceed one hundred dollars for each such violation; but any party aggrieved by a refusal of such permit may appeal to the governor, who may order the granting of such permit, and such order shall be final and conclusive.

(5) The said board shall include in its biennial report to the governor a statement showing in detail the amount of each of the various articles produced in the prison industries, the disposition of these articles, the cost of the raw material purchased, the new machinery installed and the cost thereof,

the land purchased or leased and the cost thereof, and the rates and total amount of wages paid or credited to prisoners pursuant to this section. [Stats. 1917 s. 4918m; 1919 c. 350 s. 2.]

56.02 Binder twine plant at the state prison. (1) The board of control shall, at a cost not exceeding the sums appropriated therefor, purchase, erect and maintain at the state prison the necessary buildings, machinery and equipment for the manufacture of binder twine, and shall operate such plant.

(2) The warden of the state prison shall give an additional bond to the state of Wisconsin, in the penal sum of fifty thousand dollars, conditioned for the faithful performance of the additional duties devolving upon him in the operation of said binder twine plant, and to be approved by the governor.

(3) The price of the binding twine and cordage manufactured in said plant shall be fixed from time to time by the board of control and the warden of the state prison. The product of said plant shall be sold at such times and places, and in such manner, as the said board and warden shall determine to be for the best interests of the state; but citizens of the state shall have the preference in purchasing said products. [Stats. 1917 s. 4918-1, 4918-14, 4918-15; 1919 c. 350 s. 3.]

56.03 Convict labor on the prison farm and on construction of public buildings. The warden of the state prison may employ the convicts outside the prison yard in quarrying or getting stone from and cultivating the prison farm, or in doing any work necessary to be done in the prosecution of the regular business of the institution; and also away from the prison grounds in the construction of buildings being erected by the state. In all such cases the warden shall detail such force from the prison police as he shall deem necessary to watch and guard such convicts; and any such convict who escapes shall be deemed as having escaped from the prison proper. [Stats. 1917 s. 4927; 1919 c. 350 s. 4.]

56.04 Convict labor on highways. (1) The board of control may employ inmates of the state prison in the construction and improvement of such roads and highways as the said board and the state highway commission may determine, in such manner and under such terms as may be agreed upon.

(2) The board may purchase or lease such tools and machinery as said board and the state highway commission deem necessary for the purpose of carrying out the provisions of this section. [*Stats.* 1917 s. 4937m; 1919 c. 350 s. 5.]

56.05 Prison farms. (1) The commissioners of the public lands, the state conservation commission and the state board of control are authorized to select from the state forest reserves a quantity of land, not to exceed five thousand acres, to be converted into farms for the state prison.

(2) After such selection has been made the board of control shall take possession of said lands and put them in a tillable condition by the employment of the labor of convicts in the state prison. [*Stats.* 1917 s. 4937n, 4937o, 4937p; 1919 c. 350 s. 6.]

56.06 Leasing of convict labor. (1) The state board of control is authorized to lease, from time to time, the labor of such portion of the prisoners confined in the state prison, together with such shop room, machinery and power as may be necessary for their proper employment, to such persons, for such purposes, upon such terms and conditions and for such length of time, not exceeding five years at any one time, as it shall deem most conducive to the interests of the state and the welfare of the prisoners.

(2) Before entering into any such contract the board shall, by public advertisement, for at least four weeks in one newspaper published in each of the cities of Milwaukee and Chicago, and in the official state paper, invite sealed proposals for the hiring of such labor and the shop room, machinery and power. Such advertisements shall specify the time and place when and where such proposals will be opened and considered, and shall reserve the right to reject any or all bids.

(3) Every such contract shall reserve to said board and to the warden and each and every of his subordinates full power and authority to prevent the demanding or imposition of unusual or severe labor whereby the health or safety of the convicts may be impaired or jeopardized; and the said board may, from time to time, prescribe all needful rules for

the government and conduct of all contractors, their overseers and agents, in their relation to the convicts, and may require summary dismissal of any individual employed by any contractor in said prison whenever it shall appear that the presence or the conduct of such individual is prejudicial to the discipline of the prison or the welfare of the convicts.

(4) Adequate security shall be exacted of all contractors for the faithful performance of all the provisions of the contract on their part to be performed, and the board of control shall use its utmost endeavors to have all the terms and conditions of said contract fully complied with on its part; but no contractor shall have or claim from the state of Wisconsin, the state board of control, the warden or from the prison or any of its funds any damages, whether by way of recoupment, setoff or otherwise, for or on account of the failure or neglect of said board to furnish to such contractor the labor of the full number of convicts specified in its contract.

(5) The state board of control may make all needful rules and regulations for the guidance of the warden in the execution of any contract made by it and may, whenever in its judgment it is impracticable to furnish the labor of convicts to any contractor, determine and cancel any contract, and thereupon, after six months' notice to such contractor, all obligations to said board under such contract shall cease and determine, and such contractor shall not have or be entitled to have any compensation, whether by way of damages, setoff, recoupment or otherwise, in consequence thereof. [Stats. 1917 s. 4938, 4939, 4940, 4941, 4943; 1919 c. 350 s. 7.]

56.07 Vocational instruction at the reformatory and industrial home. The state board of control may maintain in the state reformatory a manual training school, and cause the inmates to be instructed in trades; and may establish and maintain in connection with the industrial home for women such systems of training, and instruction in trades and domestic science, and create such industries as may seem to said board for the best interests of the inmates of said industrial home. [Stats. 1917 s. 4944b, 4944-s; 1919 c. 350 s. 8.]

PRISON LABOR IN COUNTY JAILS

56.08 Employment for the benefit of dependents. (1) In any county having no workhouse any person, and in all other counties any female person, convicted of any offense and sentenced to imprisonment in the county jail, shall be committed to hard labor. Every such prisoner shall be required to do and perform any suitable labor provided for by the sheriff anywhere within said county; but the hours of labor in farm work shall be not less than ten nor more than twelve hours, and in all other work not more than ten hours, each day.

(2) At the time such sentence is imposed or at any time before its termination, the court sentencing such person may, upon consideration of his health and training, ability to perform labor of various kinds, and the ability of the sheriff to find and furnish various kinds of employment, direct the kind of labor at which such person shall be employed, and the nature of the care and treatment he shall receive during such sentence.

(3) The county jail of such county is extended to any place within the county where said work is provided, and the sheriff shall at all times have the custody of such prisoners. Subsection 2 of section 55.07 shall apply to such prisoners; and the district attorney shall cause notice to be given, as provided in sections 1554 to 1556a, inclusive, and with like effect, forbidding any person to sell, furnish or give to such prisoners any intoxicating liquor during the term of his sentence.

(4) Every prisoner employed under the provisions of this section who shall perform faithfully all the duties assigned to him shall, for willingness, industry, and good behavior in such performance, be credited with one-fourth of the time of his sentence. Any such prisoner who, being of sufficient ability, shall refuse to work diligently, may be punished by solitary confinement and fed on bread and water only, at the discretion of the sheriff, for a period not exceeding ten days for each such refusal.

(5) The sheriff shall make contracts in writing for the employment of all such prisoners, if not employed in doing work for the county, and shall make all needful regulations for their profitable employment and the collection of their earnings. For unreasonably neglecting or refusing to carry out the provisions of this section the sheriff shall be subject to a fine of not to exceed one hundred dollars; and for a repetition of such neglect or refusal he shall, in addition to such fine, be removed from office.

(6) At the time of sentencing such convicted person the court shall take proof and determine what person or persons if any are actually dependent on such convicted person for support, and shall cause their names to be entered in the docket, and in the commitment of such convicted person. The court shall at the same time designate and enter in said docket and commitment the name of a person to whom payments shall be made for the use of such dependent person or persons, as hereinafter provided. At the end of each week the sheriff shall pay over to said payee for the use of said dependents the earnings of such prisoner collected by him; and if the prisoner worked for the county the sheriff shall issue and deliver to the said payee for the use of said dependents an order on said county for an amount equal to one dollar per day for the number of days of such labor, specifying in said order who earned said money and who are entitled to it for support, and such order shall be paid by the county treasurer from the general fund.

(7) All balances of money collected by the sheriff by virtue of this section and not paid out pursuant to subsection 6 shall, at the end of each month, be deposited by the sheriff with the county treasurer, together with an itemized statement showing by whom the same were earned and by whom paid, and shall be the property of the county. The sheriff shall also render to the county board, at each session thereof, a sworn itemized statement of all money so collected, by whom earned, and by whom paid; and also of all sums paid out, to whom paid and for whom, including all orders drawn on said county as provided herein.

(8) In counties in which the sheriff is paid a salary, he shall receive no extra compensation for carrying out the provisions of this section. In all other counties the sheriff shall receive therefor such extra compensation as may be fixed by the county board; but until such compensation shall be fixed, he shall receive a fee of five cents per mile for each mile actually and necessarily traveled in carrying out the provisions of this section.

(9) At the termination of the sentence of such prisoner the sheriff shall report to the court by whom the prisoner was committed, as to the attitude, industry, and behavior of such prisoner in the performance of duties assigned to him, and as to his general conduct. [*Stats. 1917 s. 697c sub. 2; 1919 c. 350 s. 10.*]

56.09 Breaking rock for highways. (1) The county board in any county whose population is less than one hundred thousand may provide in a convenient place near the county jail a quantity of rock and appropriate implements for the breaking of such rock into suitable material for road making.

(2) All male persons convicted in any court and sentenced and committed to imprisonment in the county jail where such rock is provided, if not employed as provided in section 56.08, shall, unless certified by the county physician to be physically unable to perform such labor, be employed in breaking rock for the building and repair of public highways not exceeding eight hours each day.

(3) The county board shall prescribe all necessary regulations for the maintenance of such rock and implements at the county jail, and for the carrying on of such labor. All receipts and expenditures pursuant to this section shall be supervised and controlled by the county board. [*Stats. 1917 s. 4947a; 1919 c. 350 s. 13.*]

WORKHOUSES

56.10 Establishment and purpose. Any county board may, pursuant to sections 46.17, 46.18, 46.19, and 46.20, establish a workhouse and necessary outbuildings, and purchase

the furniture and fixtures requisite therefor, for the detention and employment of prisoners as hereinafter provided. The compensation of each trustee of such workhouse shall not, in any one year, exceed one hundred and twenty dollars. [Stats. 1917 s. 697a; 1919 c. 350 s. 15.]

56.11 Commitments. (1) Upon the completion of any such workhouse the superintendent shall, in writing, notify the county clerk, each justice of the peace, police justice, and the judge of every court of record in his county of the fact; and thereafter, whenever any male person within such county is sentenced to imprisonment in the county jail, the commitment shall be to hard labor, either in the workhouse, or in the county jail as provided in section 56.08, in the discretion of the court.

(2) Any officer who shall receive the commitment of any person to the workhouse shall convey such person thereto as soon as practicable; and shall be entitled to compensation at the rate of ten cents per mile for each mile actually traveled in such service going and returning, and in addition five cents per mile for the transportation of each prisoner.

(3) Any person committed to such workhouse who, being of sufficient ability to do so, shall refuse to work diligently, may be punished by solitary confinement therein and fed on bread and water only, at the discretion of the superintendent, for a period not exceeding ten days for each such refusal.

(4) All the provisions of chapter 55 which relate to prisons generally shall apply to any such workhouse. [Stats. 1917s. 697c sub. 1, 697e; 1919 c. 350 s. 16.]

56.12 Record of commitments. The superintendent of the workhouse shall number and file all commitments and certificates of conviction received by him, and keep a record of all persons received by him for confinement in such workhouse, stating the date when received, name, age, residence, court in which sentenced, crime of which convicted, term of sentence, time of discharge, death or escape, and such other particulars as the trustees may direct. [1919 c. 350 s. 17.]

56.13 Work; disposition of product. All persons committed to such workhouse shall be employed for not to exceed ten hours of each day at such work as may be provided by the trustees. The product of such work shall be the property of the county and may be sold or otherwise disposed of by the trustees. [Stats. 1917 s. 697d; 1919 c. 350 s. 18.]

CITY AND VILLAGE LOCKUPS

56.14 Labor in payment of fines. The common council of any city of the fourth class, however organized, and every village board, shall have power to compel any person committed to the watchhouse or place of confinement of such city or village who is not physically disabled, to perform labor upon any public work under such supervision and control as such city or village may provide, and for each day's labor performed said person so sentenced shall be credited with the sum of two dollars, which shall apply on such fine and costs until the same are paid or until such person is released from custody. [Stats. 1917 s. 893 (892) sub. 27m; 1919 c. 350 s. 19.]

SUNDAYS AND HOLIDAYS

56.15 Work on Sundays and holidays. No prisoner in any penal institution within this state shall be compelled to work on any Sunday or legal holiday, except on necessary household work or when necessary to maintain the management or discipline of such institution. [1919 c. 350 s. 20]

HOUSES OF CORRECTION

56.16 Establishment and purpose. (1) The county board of any county whose population is two hundred and fifty thousand or more may, pursuant to section 46.17, establish, relocate, and maintain within the limits of said county a house of correction for the safe-keeping, reformation, and employment of persons sentenced and committed to confinement therein as hereinafter provided.

(2) The expenses of maintaining said house of correction, over and above all receipts for the labor of persons confined therein and for the support of prisoners therein whose sup-

port is not chargeable to said county, shall be audited by the said county board at its annual meeting, and paid out of the county treasury, and shall be raised, levied and collected as part of the ordinary expenses of said county. [P.&L. 1855 c. 318 s. 1, 6; 1865 c. 189; P.&L. 1868 c. 442; 1880 c. 249; 1899 c. 212; 1903 c. 40; *Stats.* 1917 s. 603, 604, 697-1; 1919 c. 351 s. 1.]

56.17 Administration and management. (1) The management of every such house of correction shall be controlled by the county board, pursuant to such regulations as said board shall prescribe. No such regulation shall be finally adopted on the day on which it is first presented to said board for consideration, nor until it shall have been considered and reported upon by a select committee appointed for that purpose.

(2) Every such house of correction shall be managed, pursuant to the regulations of the county board, by an inspector, who shall be elected by the county board, at its annual meeting, for a term of two years, commencing on the first Monday of January next after such election.

(3) The inspector shall be the principal keeper, and shall have charge and control of the house of correction and of the persons confined therein. His compensation shall be fixed by the county board at the time of his election, and shall not be increased or diminished during his term. He shall take and file the official oath, and execute and file an official bond in such sum as shall be fixed by the county board, and with sureties approved by the chairman of said board.

(4) The inspector shall appoint and be responsible for the acts of all necessary assistants under him; but the county board shall prescribe the number and compensation of such assistants, and the duties to be performed by them.

(5) In every county maintaining a house of correction, the judges of the county, municipal, and district courts, district attorney, and sheriff, and the mayor and city attorney of its most populous city, shall constitute a board of visitors, who shall investigate the affairs of such house of correction on the first Monday of August in each year, and thereupon

report in writing to the county board at its annual meeting, setting forth the condition of such house of correction, and suggesting such alterations, improvements, or other matters respecting the management, discipline, and government of the same as may promote the purposes thereof and the interests of said county. [P. & L. 1855 c. 318 s. 4, 15; 1865 c. 189; 1899 c. 212; 1919 c. 351 s. 2.]

56.18 Commitments; municipal prisoners; contracts with other counties. (1) Every court, justice, magistrate, or other officer in such county or in any village or city therein, authorized to commit or sentence any person to the county jail upon conviction of any offense or violation of any city or village ordinance, or authorized to sentence any person to imprisonment in the state prison for any term not exceeding five years, may in lieu of such sentence commit or sentence such person to said house of correction for an equivalent term, at hard labor, or solitary confinement, or in part to each, at the discretion of such court or officer. All mittimus and warrants of commitment in such cases shall be issued and directed to the inspector of said house of correction, and shall be his authority for the detention of the person sentenced or committed.

(2) Each village or city in such county shall, on the first Monday of January in each and every year, pay to the county the sum of one dollar and fifty cents per week per capita for each and every person confined in the house of correction for the violation of any of the ordinances of such city or village during the preceding year.

(3) Any such county may contract with any other county, upon such terms as may be agreed upon by their respective county boards, to receive into said house of correction any person who may be sentenced to confinement therein by any court, justice, or other officer of such other county; and thereupon, so long as such contract remains in force, every court, justice or other officer in such other county authorized to commit or sentence any person to the county jail may, in lieu of such sentence or commitment, sentence or

commit such person to said house of correction for an equivalent term, at hard labor, or solitary confinement, or in part to each, at the discretion of such court or officer; and any officer to whom the process of commitment in such case is delivered for execution shall, by virtue of such process, convey such person to the said house of correction, and deliver him with the commitment papers to the inspector; and thereafter such person shall be detained and treated by all persons, courts and officers, respectively, as if sentenced and committed to said house of correction by any court, justice, or other officer, in the county in which said house of correction is established.

(4) Whenever it shall appear, to the satisfaction of the state board of control, that any person convicted of a felony and committed to any house of correction had previously been convicted of a felony, said board may, with the approval of the governor, transfer such person to the state prison. [P. & L. 1855 c. 318 s. 10, 13; 1865 c. 189; P. & L. 1866 c. 439; P. & L. 1868 c. 442; P. & L. 1872 c. 5; 1899 c. 212; Stats. 1917 s. 4733c.; 1919 c. 351 s. 3.]

56.19 Employment of prisoners; time credits, earnings, and rewards. (1) The inspector of said house of correction shall place all prisoners therein at such employments, and shall cause all prisoners therein who are minors to be instructed in such branches of useful knowledge, as shall be prescribed by the regulations of the county board.

(2) He may employ such prisoners outside of said house of correction, for the purpose of cultivating the farm of said institution or in doing any other work necessary to be done in the regular business thereof, or in the construction of public highways within said county. In all such cases he shall detail such force from the house of correction as he may deem necessary to watch and guard such prisoners.

(3) The inspector shall keep a true record of the conduct of each prisoner, specifying each infraction of the rules of discipline; and at the end of each month shall give a certificate of good conduct to each prisoner against whom no

such infraction is recorded, subject to annulment by the governor for subsequent misconduct of the prisoner. Upon each such certificate issued to any such prisoner serving sentence for a misdemeanor the prisoner shall be credited, at the discretion of the inspector, with a diminution of the sentence not exceeding five days. Each such prisoner serving sentence for a felony shall receive time credits as provided in section 53.15.

(4) The county board may, pursuant to regulations prescribed by said board and approved by the state board of control, extend to such prisoners similar time credits, pecuniary earnings, and rewards, subject to similar conditions and limitations, as those prescribed by section 53.16 for convicts in the state prison. [P. & L. 1855 c. 318 s. 11, 12; 1865 c. 189; 1875 c. 174; 1899 c. 212; 1909 c. 411; *Stats.* 1917 s. 670 *sub.* 21; *Spl.* s. 1918 c. 8; 1919 c. 351 s. 4.]

56.20 United States convicts. The county of Milwaukee may contract with the United States for the keeping and support, within its house of correction, of all prisoners who are sentenced to imprisonment by the courts of the United States within this state, upon such terms as may be agreed upon by the county board and the officers of the United States having authority for that purpose. [1865 c. 189 s. 7; 1919 c. 351 s. 6.]

CHAPTER 57

PROBATION, PAROLES, AND PARDONS OF CONVICTS

PROBATION FOR FELONIES

- 57.01 Suspension of sentence.**
- 57.02 Control of probationers.**
- 57.03 Recommitment on violation of probation; discharge.**

PROBATION IN OTHER CASES

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PROBATION FOR FELONIES

57.01 Suspension of sentence. Whenever any adult is convicted of a felony punishable by imprisonment for a term not exceeding ten years, convictions under section 4587c excepted, and it appears to the satisfaction of the court that such person has never before been convicted of a felony in this state or elsewhere, that the character of the defendant and the circumstances of the case indicate that he is not likely again to commit crime, and that the public good does not require that he shall suffer the penalty provided by law, said court may, except as otherwise provided for by law, by order suspend the judgment or stay the execution thereof and place the defendant on probation, stating therein the reasons for the order, which shall be made a part of the record, and may impose as a condition of making the order or of continuing the same in effect that the defendant shall make restitution or pay the costs of prosecution, or do both. [1917 s. 4734a; 1919 c. 615 s. 2.]

57.02 Control of probationers. (1) The state board of control shall furnish the clerk of every court of record in this state exercising criminal jurisdiction with blank forms, setting forth all requirements and conditions used by them in the parole of persons from the state institutions, but amended so as to be applicable to the probation of convicts.

(2) Except as provided otherwise in subsection 3, every defendant placed on probation pursuant to section 57.01 shall be subject to the control and management of the said board under the regulations applying to persons paroled from state institutions after a period of imprisonment therein; and immediately upon the entry of the order of probation the clerk of the court shall certify a copy of the record in the case and deliver the same to the said board, whereupon the custody of the convict shall vest in the said board.

(3) In all counties having a population of two hundred and fifty thousand or more, the municipal court shall have charge of all persons placed on probation pursuant to section 57.01, instead of the state board of control; and said court shall appoint one chief probation officer, who shall be a resi-

dent of said county, at a salary of not less than fifteen hundred dollars per annum and such necessary expenses as may from time to time be allowed by the county board, to be paid as other county officers are paid. Said probation officer shall be an officer of said court and subject to its control, shall have power of arrest, and shall execute all orders of the court affecting such probationers. The county board shall provide quarters and stationery for the use of said chief probation officer, and may, from time to time, provide for and fix the salaries of additional probation officers, who shall be subordinate to said chief probation officer. Said chief probation officer shall report to the court as provided in subsection 4 of section 57.04, and the clerk of the court shall transmit a copy of such reports to the state board of control. [Stats. 1917 s. 4734c, 4734d, 4734e, 4734m; 1919 c. 615 s. 3.]

57.03 Recommitment on violation of probation; discharge.

(1) Whenever it appears to the board of control that any such probationer in its charge has violated the regulations or conditions of his probation, the said board may, upon full investigation and personal hearing, order him to be brought before the court for sentence upon his former conviction, which shall then be imposed without further stay, or if already sentenced to any penal institution, may order him to be imprisoned in said institution, and the term of said sentence shall be deemed to have begun at the date of his first detention at said institution. A copy of the order of the board shall be sufficient authority for the officer executing it to take and convey such probationer to the court or to the prison; but any officer may, without order or warrant, whenever it appears to him necessary in order to prevent escape or enforce discipline, take and detain the probationer and bring him before the board for its action.

(2) Whenever, in the judgment of the board, the probationer has satisfactorily met the conditions of his probation, he shall be discharged from further supervision, and said board shall issue to him a certificate of final discharge; but the period of probation shall not be less than the minimum nor more than the maximum term for which he might have been imprisoned. [Stats. 1917 s. 4734g, 4734h; 1919 c. 615 s. 5.]

PROBATION IN OTHER CASES

57.04 Probation for misdemeanors and desertion.

(1) When any adult is convicted in any court of record of a misdemeanor or of any violation of section 4587c the court, in its discretion, may by order suspend the judgment or stay the execution thereof and place the defendant on probation for such period of time, not exceeding the maximum penalty prescribed, and upon such terms and conditions, including the payment of any fine imposed, as it shall determine, so that the defendant may be given the opportunity to pay the fine, if one is imposed, within a reasonable time. Upon payment of the fine the judgment shall be satisfied and the probation cease.

(2) In such case the court shall by said order place the probationer in charge of the state board of control or designate some suitable person to act as probation officer who shall be entitled to necessary expenses in the performance of his duties, to be paid out of the county treasury the same as other court expenses, and, for causes hereinafter named, may, without warrant or other process, or upon the order of the court, at any time until the final disposition of the case, take the probationer and bring him before the court; and thereupon, if the court shall have reason to believe from the report of the probation officer, or otherwise, that the probationer has violated or is violating the conditions of his probation, or is engaging in criminal practices, or has formed improper associates, or is leading a vicious life, it may revoke such probation and pronounce sentence on the former conviction, or if sentence has been pronounced, issue commitment on the sentence or judgment without deduction of the period of probation.

(3) The court may at any time after such revocation of probation again stay further execution on any terms and conditions which it could have imposed originally; and may, whenever the ends of justice shall be subserved thereby, and the good conduct and reform of the probationer shall warrant it, terminate the period of probation and discharge him from

custody; but in all cases, if the court has not revoked the probation, or discharged the probationer, he shall at the end of the term of probation be discharged from custody, and said judgment or sentence be deemed fully satisfied.

(4) Each probation officer appointed under this section shall report to the court appointing him at least once each month, and at such other times as may be designated by the court, concerning the conduct of the probationer in his charge. The necessary blanks for such reports shall be supplied by the state board of control.

(5) Whenever any person is placed on probation under this section, the clerk of the court shall immediately mail to the state board of control certified copies of the information or indictment or plea, the sentence or judgment, the order for probation, and, from time to time thereafter, each report of the probation officer; and shall receive for such services the compensation provided by law for certifying copies of papers in his custody, which shall be paid out of the treasury of the county in which the probationer was convicted. [Stats. 1917 s. 4734j, 4734k, 4734n; 1919 c. 615 s. 6.]

57.05 Probation of minors. (1) If any minor other than delinquent children as defined in section 48.01 be found guilty of any misdemeanor, or be convicted for the first time of a felony for which the prescribed penalty does not exceed ten years, the court in its discretion may suspend sentence and place such minor under the guidance and control of the state board of control as in the case of an adult, or of some adult person who shall have consented in writing to become responsible for the good behavior of such minor for such period of probation, not exceeding six months, as the court shall fix; and the court may require as a condition of the making or continuing in effect of the order, the payment of costs or the making of restitution, or both, in the court's discretion.

(2) Such minor may be returned to such court on the original charge, for sentence, at any time within such period of probation; and upon the expiration of such period he may

be sentenced, discharged, or continued under probation for an additional period to be then fixed by the court, subject to like return, discharge, sentence, or further probation thereafter. [*Stats.* 1917 s. 4734b; 1919 c. 615 s. 7.]

PAROLE OF PRISONERS.

57.06 Paroles from the state prison and the Milwaukee house of correction. (1) The board of control, with the approval of the governor, may, upon ten days' written notice to the district attorney and judge who participated in the trial of the prisoner, parole any prisoner convicted of a felony and imprisoned in the state prison or in the house of correction of Milwaukee county who, if sentenced for less than life, shall have served at least one-half of the term for which he was sentenced, not deducting any allowance of time for good behavior, or who, if sentenced for life, shall have served thirty years less the diminution which would have been allowed for good conduct, pursuant to law, had his sentence been for thirty years.

(2) No such prisoner shall be paroled until it shall appear, to the satisfaction of said board, that some suitable employment has been secured for him; and the paroled prisoner shall at least once each month render a written report to said board, giving such information as may be required by the board, which shall be approved by the person in whose employment the prisoner may be at the time.

(3) Every such paroled prisoner remains in the legal custody of the state board of control and may at any time, on the order of the board, be reimprisoned in said prison or said house of correction; and shall be reimprisoned whenever found exhibited in any show or exhibition. A certified copy of said order shall be sufficient authority for any officer executing it to take and convey the prisoner to the institution from which he was paroled, and all officers shall execute such order in the same manner as a warrant for arrest, but any such officer may, without order or warrant, whenever it

appears to him necessary in order to prevent escape or enforce discipline, take and detain the prisoner and bring him before the board for its action. [Stats. 1917 s. 4960c-1, 4960c-2, 4960c-3, 4960c-4, 4960c-5, 4960c-6, 4960c-7; 1919 c. 615 s. 8.]

57.07 Paroles from other penal institutions. (1) The state board of control may parole any inmate in the state reformatory, industrial home for women, industrial school for boys, or industrial school for girls, whenever suitable employment has been secured for such inmate, and his past conduct for a reasonable time has satisfied said board that he will be law-abiding, temperate, honest, and industrious.

(2) Every such paroled inmate remains in the legal custody of said board, and may be returned to the institution from which he was paroled, in the manner prescribed in subsection 3 of section 57.06. [Stats. 1917 s. 4944j, 4944-o, sub. 4, 5, 6, 4964, 4969, 4970-4; 1919 c. 615 s. 9.]

57.075 Probationers' revolving fund. The state board of control shall create a revolving fund out of any moneys in its hands belonging to persons who have been placed on probation, and who have violated their contracts and absconded, or who may in the future violate their contracts and abscond, or whose whereabouts is, or may become, unknown. Said funds shall be used to defray the expenses of clothing or other necessities, and for transporting probationers who are without money or other means to procure the same; provided that all payments made from such funds shall be re-collected from such probationers for whose benefit they are paid whenever collection thereof is possible; and provided further that any moneys belonging to any absconding probationers so paid into the said revolving fund shall be repaid to such probationers in accordance with law, with interest at three per cent, in case a lawful claim therefor is filed with said board of control showing the legal right of the claimant to such money. [1919 c. 454; 1919 c. 671 s. 37.]

PARDONS.

57.08 Applications for pardon; regulations. All applications for pardon of any convict serving sentence of one year

or more, except for pardons to be granted within ten days next before the time when the convict would be otherwise entitled to discharge pursuant to law, shall be made and conducted in the manner hereinafter prescribed, and according to such additional regulations as may from time to time be prescribed by the governor. [Stats. 1917 s. 4855, 4861, 4864; 1919 c. 615 s. 10.]

57.09 Notice of application. Notice of such application, stating the name of the convict, the crime of which he was convicted, the date and term of his sentence, the place of his imprisonment, and the date when the application will be filed with the governor, shall be served upon the judge and the district attorney, if they can be found, who participated in the trial of the convict, at least three weeks before the filing of the application, and shall be published at least once each week for two successive weeks before such filing in some newspaper of general circulation in the county where the offense was committed, or, if there be no such newspaper, such notice shall be posted in a conspicuous place on the door of the courthouse of such county for three weeks before such filing and published once each week for two consecutive weeks before such filing in some newspaper published in an adjoining county. [Stats. 1917 s. 4856; 1919 c. 615 s. 11.]

57.10 Application papers. Each such application shall be accompanied by the following papers:

1. The notice of application, with acknowledgments or affidavits showing due service and affidavits showing due publication thereof, and of its posting whenever required by law.

2. A certified copy of the whole record, including docket entries, the indictment or information, pleas, transcript of the testimony, and all other papers on file in the court relating to the case.

3. A full verified statement by the applicant of all the facts and reasons upon which the application is based.

4. Written communications from the judge and the district attorney who participated in the trial of the convict, if

such can be obtained, indicating their views regarding the application, and stating briefly any circumstances within their knowledge in aggravation or extenuation of the guilt of the convict.

5. If the convict was sentenced for the crime of murder, a recommendation of the judge in office when the application is made in the circuit where the trial was had.

6. A certificate of the warden or keeper of the prison where such convict shall have been confined showing whether or not the convict has, during his confinement, conducted himself in a peaceful and obedient manner. [*Stats.* 1917 s. 4857; 1919 c. 615 s. 13.]

57.11 Conditional pardon. (1) Whenever, in any case, the governor has granted a pardon upon conditions, or with restrictions or limitations, he may issue his warrant or warrants for carrying into effect such conditional pardons, which warrants shall be obeyed and executed in lieu of the sentence.

(2) Whenever it shall appear to the governor that the convict to whom such pardon has been granted has violated or failed to comply with any such conditions, restrictions, or limitations, during the term of his sentence, he may issue his warrant, directed to the sheriff of any county, commanding said sheriff to arrest such convict and bring him before the governor; and the sheriff shall execute such warrant without delay.

(3) If, upon inquiry, it shall further appear, to the satisfaction of the governor, that such convict has so violated or failed to comply with any of such conditions, restrictions or limitations, he may issue his warrant remanding such convict to the institution from which he was discharged, who shall thereupon be confined therein until the expiration of his sentence; otherwise he shall be discharged, subject to such conditional pardon. [*Stats.* 1917 s. 4859, 4862, 4863; 1919 c. 615 s. 14.]

57.12 Execution, return, and record of warrants. Whenever any convict is pardoned or his punishment commuted,

or whenever he shall be remanded to imprisonment for the violation of any of the conditions, restrictions, or limitations of his pardon, the officer to whom the warrant for that purpose is issued, after executing the same shall make return thereon to the governor as soon as may be; and shall also file with the clerk of the court in which the offender was convicted an attested copy of the warrant and return, who shall enter and file the same with the records of the case. [Stats. 1917 s. 4860; 1919 c. 615 s. 15.]

CHAPTER 58

PRIVATE ASYLUMS, HOSPITALS AND SOCIETIES

- 58.01 Private institutions for orphans, indigents and delinquent children.**
- 58.02 Home finding corporations.**
- 58.03 License of home finding agencies.**
- 58.04 Maternity homes and baby farms; license, inspection and reports.**
- 58.05 Private institutions for the insane and feeble-minded.**
- 58.06 Private tuberculosis sanatoriums.**
- 58.07 Humane societies.**

58.01 Private institutions for orphans, indigents, and delinquent children. (1) Any corporation organized for the establishment and maintenance of any hospital, asylum or other institution for the care, maintenance and education of orphan children, or for the care and relief of sick, infirm, indigent or homeless persons, or for any similar charitable purpose may receive all such persons as shall be lawfully committed thereto or placed therein, and shall have and maintain the custody, care and control of such persons until lawfully discharged.

(2) Any corporation organized for the establishment and maintenance of any industrial school for the keeping and reformation of children lawfully committed to the same may receive any child lawfully committed thereto or placed therein and shall thereafter have and maintain the exclusive custody, care and guardianship of every such child for the term of commitment or until discharged according to law, and any regular commitment, consent or order shall be full authority to all the corporate agents and servants therefor.

(3) Every such corporation may contract with any person, parent, guardian, or municipality responsible therefor, for the maintenance, care and education of every such inmate, or recover a reasonable price therefor, if no contract be made, not exceeding the amount fixed by its by-laws or regulations.

(4) Every such corporation shall cause all such children, and all other persons if so required by contract or by the terms of the commitment, to be instructed in such branches of useful knowledge as may be suited to their respective years and capacities; and all female inmates shall especially be taught domestic avocations, sewing, mending, knitting and housekeeping in all its departments, besides the common branches of education.

(5) Any clergyman of good standing shall be granted reasonable facilities, at proper times and places, freely to minister and impart moral and religious instruction, accord-

ing to the usages of his church or denomination, to every inmate of such institution belonging to such church or denomination, or who shall desire him to do so.

(6) The officers designated therefor by the by-laws of such corporation may at any time discharge any adult inmate when, in their discretion, it is for his interest or the interest of the corporation, or any such child when in their judgment it is for his best interest; or may at any time return or bring any such child to the juvenile or county court for disposition as provided by law, or may give away for adoption or bind out as an apprentice or servant, any such child during its minority; and the provisions of chapter 110 shall apply to such minors so bound, the officers binding him and the person to whom bound. [*Stats.* 1917 s. 1785, 1786; 1919 c. 616 s. 2.]

58.02 Home finding corporations. (1) Any corporation organized for the purpose of seeking out and receiving orphans or homeless, abandoned, neglected or grossly illtreated children and of procuring homes in families for them may receive into its charge and under its control any neglected or dependent child, as defined in section 48.01, or any child assigned to its care and custody by an instrument in writing, executed by its parent or some person standing in place of such parent.

(2) Every such corporation is hereby constituted the legal guardian of all children committed to or received by it; may consent to the adoption of any such child by any person in the same manner and with the same force and effect as such consent could be given by its parent; and may enter into a written contract with any person who shall take or receive any such child otherwise than by adoption, which contract shall provide for the proper care, education and maintenance of such child during its minority, and specify the amount to be paid to it at the expiration of the contract; but such contract shall not contain any provision of a sectarian or partisan nature regarding the care, custody or education of the child.

(3) Subsections 3 and 4 of section 48.20 shall apply to every such corporation.

(4) Such corporation shall not in any case charge or receive from the person adopting any child any compensation therefor except the actual expense of taking such child to the home of such person and a reasonable fee for preparing and furnishing the papers and documents necessary to secure the legal adoption of such child; and in no case shall any person adopting any such child receive from such corporation any compensation for the care, clothing or medical attendance of such child if it shall be returned to the corporation.

(5) Such corporation shall keep and maintain careful supervision of all children placed in homes as aforesaid, and require of every person who takes any such child, otherwise than by legal adoption, a full report of its condition and welfare at least once a year; and the corporate officers and agents may, as often as they deem necessary, visit all such persons and families and investigate the condition and welfare of any child taken by adoption or otherwise. Whenever such corporation shall become satisfied that any such child is subjected to vicious or harmful influences or seriously lacks wise and considerate care and attention, it may require the return of such child to its care and custody at its principal office at the expense of the person required to return the same. [Stats. 1917 s. 1786b, 1786c; 1919 c. 616 s. 3.]

58.03 License of home-finding agencies. (1) No individual other than the parent or legal guardian of the child, and no agency, association or corporation shall, until duly constituted legal guardian and duly licensed therefor as hereinafter provided, place in any family with or without contract or give away by adoption any neglected or dependent child as defined in section 48.01.

(2) Upon application by any individual, agency, association or corporation, to the state board of control, and upon satisfactory proof made to said board that the applicant is in all respects qualified to engage in the work of finding homes for children, giving them away by adoption, or placing them in families with or without contract during their minority, said board may, upon payment of a fee of five dollars there-

for, issue to said applicant an annual license to engage in said business. Each such license shall bear date the first Tuesday of June and shall be in force for one year next thereafter, but shall not be transferable, and may be revoked by said board at any time upon thirty days' notice to the licensee and due hearing, when in the opinion of said board the licensee is not in all respects qualified to continue in said business.

(3) Every such licensee shall report to said board whenever required such facts with reference to all children committed to his care and custody upon such blanks as it may prescribe; and the board may investigate the home in which any such child is placed. If the board shall at any time determine that any such child is placed in an improper home, or is subjected to vicious and harmful influence, or is not properly cared for, it may order the licensee to transfer the child to a proper home, and if such transfer is not made within thirty days next thereafter the board may take charge of and make suitable provision for the child. [*Stats.* 1917 s. 1786d-1, *sub.* 1, 2, 3; 1919 c. 616 s. 4.]

58.04 Maternity homes and baby-farms; license, inspection and reports. (1) Every individual, firm, association, or corporation, owning, keeping, conducting or managing any institution or home for the boarding or sheltering of infant children, or so-called "baby-farm," or any lying-in hospital, hospital ward, maternity home or other place for the reception, care and treatment of pregnant women, shall obtain an annual license which shall be issued by the state board of health without fee, shall not be transferable to other persons or other premises, and shall expire on the thirty-first day of December next following the issuance; but said board may revoke any such license for reasonable cause. The application for such license shall state the name and address of the licensee, the specific location of the building used, and the number of inmates which may be boarded there at one time, and shall be approved by the local health officer. No greater number of inmates shall be housed at one time in the build-

ing than is authorized by the license, and no pregnant woman or infant shall be kept in a building or place not designated in the license. A record of licenses issued shall be kept by the state board of health.

(2) Whenever any such license is issued, the board shall forthwith give notice of the granting and terms thereof to the local health officer, who shall keep informed of the nature and reputation of every such institution in his jurisdiction, and shall visit and inspect the same from time to time, and for such purposes shall at all reasonable hours be given free and unrestricted access to such institution.

(3) Every such licensee shall report to the local health officer, within twenty-four hours next after it occurs: the birth of any child, including stillborn or prematurely born children, at such institution; the arrival of any child, stating the name, sex, age and color, and from whom received; and the removal of any child, stating its name, age, and the disposition made of it. [Stats. 1917 s. 1542a, 1542b, 1542c, 1542d, 1542e, 1542g; 1919 c. 616 s. 5.]

58.05 Private institutions for the insane and feeble-minded.

(1) The articles of organization of any corporation organized under the laws of this state for the establishment and maintenance of any hospital, asylum or other institution for the care, treatment or relief of insane or feeble-minded persons, or both, may contain provisions authorizing it to receive general, special, permanent or temporary endowments and to secure the repayment of the same in accordance with the terms and conditions upon which they may be made by a mortgage upon its real or personal property, or both, or otherwise, in the manner in such articles provided.

(2) Any insane or feeble-minded person may, upon the written request of his guardian, be committed to any such hospital, asylum or institution in the manner insane persons are committed to the state hospitals for the insane; but the county in which such person resides shall be liable for his support, maintenance and treatment only when he has been committed upon the request of the county board thereof.

and such hospital, asylum or institution shall not be required to keep, care for or treat any insane or feeble-minded person longer than his guardian or friends or the county from which he shall have been committed shall defray the expenses of his care and treatment. Any person may voluntarily place himself in such hospital, asylum or institution for care and treatment.

(3) If at any time complaint is made to the state board of control that any person is improperly confined in any such hospital, asylum, or institution, the board shall examine into the case in such manner as it deems best; and if it shall appear to the board that such person is improperly confined it shall order his immediate release, and thereupon such person shall be released. The corporation owning or maintaining any such hospital, asylum or institution shall not, nor shall any officer or employe thereof, be liable for the detention of any person duly committed or detained at the request of his guardian or friends or of any county board unless such person shall have been detained after the state board of control shall have ordered his release or after a court or judge shall have directed his discharge; and such liability shall exist only for such detention as shall have occurred after the service of a copy of the order of such board, court or judge upon the superintendent or other officer in charge of such hospital, asylum or institution.

(4) Any letter, communication or complaint addressed to such board or to any member thereof by any inmate, employe or subordinate officer in any such hospital, asylum or institution shall be forthwith forwarded as addressed without interference therewith, breaking of the seal or reading thereof by any officer or employe therein.

(5) Every such corporation shall, on or before the first day of each July make a report to the state board of control for the preceding year, which shall be in form and substance as required by said board and be verified by the president of such corporation or the superintendent or other officer having charge of such hospital, asylum or institution.

(6) Every such corporation that shall receive nonresident patients into such hospital, asylum or institution for care, treatment or relief shall execute to this state and file in the office of the secretary of state a bond in such sum and with such surety or sureties as the governor shall determine and approve, conditioned to indemnify the state and every municipality therein against expense in case any such patient shall become a pauper in this state. When any nonresident patient shall have been discharged from such hospital, asylum or institution and shall leave this state all liability of such corporation upon its bond on account of such patient shall thereupon cease. [*Stats.* 1917 s. 1876a; 1919 c. 616 s. 7.]

58.06 Private tuberculosis sanatoriums. Any fraternal or mutual benefit society organized for the sole purpose of providing disability benefits in cases of tuberculosis may purchase or lease the necessary lands and buildings for the operation of a tuberculosis sanatorium or sanatoria for the benefit of its members. Whenever the sanatorium facilities are not all needed for the treatment of members, nonmembers of the society may be admitted to any such sanatorium upon payment of at least the cost of maintenance and treatment, which payments shall be placed in the funds of the society. [*Stats.* 1917 s. 1957 sub. 10; 1919 c. 616 s. 8.]

58.07 Humane societies. (1) The superintendent or other chief officer of any humane society, upon approval of his appointment by the governor, is vested with the powers of a police officer and constable, and may exercise the same throughout the state.

(2) Any agent of any such society, appointed for the purpose of aiding in the enforcement of the laws for the prevention or punishment of cruelty to animals, children, women, aged or dependent people or criminals in any municipality, and whose appointment as such shall have been approved by the governor, is vested for that purpose with the powers of a police officer and constable in such municipality.

(3) The authority of any such superintendent or agent shall be evidenced by the governor's certificate of approval; and all police officials shall co-operate with him in the exercise of his functions.

(4) Such superintendent or agent shall not be entitled to any compensation for his services, except as provided in subsection 5, but shall be paid witness fees and mileage and expenses for the transfer of any child committed to the state industrial schools or the state public school at the rate and in the manner other officers are paid in like service.

(5) Any county, city, or village may appropriate for the maintenance and support of such societies in the prosecution within their respective boundaries of the work for which they are organized any sum of money deemed needful; but the aggregate of all such appropriations in any county shall not exceed twelve hundred dollars in any one year. Each county may, in addition thereto, appropriate and pay to one authorized and active agent of any such society such salary as the county board may fix. [*Stats.* 1917 s. 1636k, 1636o; 1919 c. 616 s. 9.]

CHAPTER 59

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13.05 A joint standing committee, to be called the committee on finance and to consist of fourteen members, five from the senate and nine from the assembly, shall be appointed at the commencement of each session of the legislature. The method of appointment of members in each house shall be governed by the rules thereof. The committee may employ a clerk.

(2) The governor shall biennially, immediately after the legislature shall have met in regular session and chosen its committees, appoint a visiting committee of six, two from the senate, one of whom shall be a member of the joint committee on finance and one a member of the committee on education and public welfare; and four from the assembly, two of whom shall be members of the joint committee on finance, and two members of the committee on state affairs, who shall immediately after their appointment visit each of the institutions above designated. Such committee shall inspect the interior management of said institutions, have access to all parts of them and to all inmates thereof, make such examination into the condition of both as it shall see fit, and report in writing to the governor and the legislature such suggestions as it may deem proper. The cost of such investigations shall be charged to the appropriations for the legislature. [*Stats.* 1917 s. 13.05, 562b; 1919 c. 328 s. 35; 1919 c. 389 s. 3; 1919 c. 628 s. 7; 1919 c. 679 s. 10.]

45.20 Temporary aid to soldiers, sailors and marines and their dependents. Temporary aid shall be given, granted, furnished and provided, according to the provisions of chapter 49, to and for any honorably discharged indigent soldier, sailor, or marine of any war of the United States and the indigent wife, widow or minor child of any such, without requiring the removal of any such person to any poorhouse, but such temporary aid shall not continue longer than three months at any one time or in any one year unless the authorities charged with the relief of the poor shall determine otherwise. [*Stats.* 1917 s. 1524; 1919 c. 345 s. 16.]

Labels on prison made goods. Section 1747dd-1. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory or other establishment in which convict labor is employed in any state, except this state, and imported, brought or introduced into this state shall, before being exposed for sale, be branded, labeled or marked as herein provided, and shall not be exposed for sale in this state without such brand, label or mark. Such brand, label or mark shall contain at the head or top thereof the words "convict made," followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering, of the style and size known as great primer roman condensed capitals. The brand or mark shall in all cases, where the nature of the article will permit, be placed upon the same, and only where such branding or marking is impossible shall the label be used, and where a label is used it shall be in the form of a paper tag, which shall be attached by wire to each article, where the nature of the article will permit, and placed securely upon the box, crate or other covering in which such goods, wares or merchandise may be packed, shipped or exposed for sale. Said brand, mark or label shall be placed upon the outside of and upon the most conspicuous part of the finished article and its box, crate, or covering. [*Stats.* 1917 s. 4960a; 1919 c. 78 s. 15.]

Enforcement of law. Section 1747dd-2. It shall be the duty of the commissioner of labor statistics and the district attorneys of the several counties to enforce the foregoing section, and when, upon complaint or otherwise, such commissioner has reason to believe that the same has been violated he shall advise the district attorney of the county wherein such alleged violation has occurred, of the fact, giving the information in support of his conclusions, and such district attorney shall at once institute the proper legal proceedings to compel compliance therewith. [*Stats.* 1917 s. 4960b; 1919 c. 78. s. 15.]

Penalty for selling such goods etc. Section 4463m. A person knowingly having in his possession for the purpose of

sale or offering for sale any convict-made goods, wares or merchandise manufactured in any state except this, without the brand, mark or label required by law, or who removes or defaces such brand, mark or label shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars. [*Stats.* 1917 s. 4960c; 1919 c. 78 s. 15.]

WRIT OF HABEAS CORPUS

General provisions. Section 3407. (1) Every person imprisoned or otherwise restrained of his liberty, except in the cases specified in the next section, may prosecute a writ of habeas corpus, as prescribed in this chapter, to obtain relief from such imprisonment or restraint if it shall prove to be unlawful.

(2) All persons confined in any hospital or asylum as insane patients, except persons so confined in the central state hospital for the insane, may prosecute such writ, and the question of insanity shall be determined by the court or judge issuing the same; and if such court or judge shall decide that the person is insane such decision shall be no bar to the prosecution of such writ a second time if it shall be claimed that such person has been restored to reason. [*Stats.* 1917 s. 595, 3407; 1919 c. 347 s. 19.]

RELIEF OF PRISONERS

Escape of prisoners. 4326a. In case of the escape of any prisoner by reason of the insufficiency of the jail, whereby the sheriff or any other person shall be made liable to any party at whose suit such prisoner was committed or to whose use any forfeiture was adjudged against him, the county shall reimburse and pay all sums of money recovered of the sheriff or such other person by such party by reason of such escape. (*Stats.* 1917 s. 657; 1919 c. 78 s. 14.)

OFFENSES AGAINST PROPERTY

State and county institutions; disorderly conduct. Section 4444n. Any person who shall be guilty of any noisy, boisterous or disorderly conduct, or fighting, immoderate drink-

ing, drunkenness, indecent exposure of the person, lewd, wanton or obscene conduct, or vulgar or obscene language, or of any offense against the laws or the regulations governing either of the charitable, curative, reformatory, and penal institutions of the state or any county, within the same or the grounds thereof, shall be punished by a fine of not less than one dollar nor more than fifty dollars or by imprisonment in the county jail not less than two days nor more than sixty days; but if a different penalty or punishment is prescribed by law for any such offense the same may be imposed instead of the penalty or punishment prescribed by this section. (*Stats.* 1917 s. 609; 1919 c. 328. s. 10.)

OFFENSES AGAINST JUSTICE

Convict, escape by. Section 4490. (1) Any convict committed to the state prison, the Wisconsin state reformatory, or house of correction of Milwaukee county convicted of a crime punishable by imprisonment in the state prison, under sentence for a limited time, who shall escape therefrom, or attempt by violence to escape, or assault the warden or other officer or person employed in any capacity in said prison, reformatory or house of correction shall be punished by imprisonment in said prison, reformatory, or house of correction not more than ten years in addition to his former sentence, and also by solitary confinement of not more than one year, at such time or times as the court shall direct, and if said convict is under sentence of imprisonment for life he shall be punished by solitary confinement at such time or times as the court shall direct.

(2) Any woman sentenced to the Wisconsin industrial home for women who shall escape therefrom, or who shall attempt by violence to escape, or shall assault the superintendent or any other officer or employe of said institution, may be punished by imprisonment in said industrial home for a term of not to exceed two years in addition to her former sentence.

(3) Any prisoner in a house of correction who escapes, while employed or while in the custody of an officer outside

of said house of correction, shall be punished by imprisonment in said house of correction not more than one year nor less than thirty days in addition to the sentence he is then serving, or by a fine not exceeding one thousand dollars. [Stats. 1917 s. 4490, 4944-x sub. 1; 1919 c. 349 s. 10; 1919 c. 351 s. 5.]

Permitting escape. Section 4491. Any officer or other person employed in the state prison or the Wisconsin state reformatory who shall voluntarily suffer any convict confined therein to escape or shall, in any way, consent to such escape shall be punished by imprisonment in said prison or reformatory not more than twenty years. [1919 c. 349 s. 10.]

Unlawful privilege for convicts. Section 4492. Any officer or person employed in the state prison or the Wisconsin state reformatory who shall knowingly permit any convict under sentence of solitary confinement therein to be at large or out of the cell assigned him, or shall suffer any convict confined in said prison or reformatory to be at large, or allow him to be visited, conversed with or in any manner to be relieved or comforted, except as provided by law or the regulations of said prison or reformatory, shall be punished by fine not exceeding five hundred dollars. [1919 c. 349 s. 10.]

Delivering articles to convict. Section 4493. Any officer or other person who shall deliver or procure to be delivered or shall have in his possession with intent to deliver to any convict confined in the state prison or the Wisconsin state reformatory, or shall deposit or conceal in or about said prison or reformatory, or the dependencies thereof, or in any carriage or other vehicle going into the premises belonging to said prison or reformatory, any article or thing whatever, with intent that any convict confined therein shall obtain or receive the same, or who shall receive from any convict any article or thing whatever with intent to convey the same out of said prison or reformatory, contrary to the rules or regulations and without the knowledge or permission of the warden or superintendent thereof, shall be punished by im-

prisonment in said state prison or reformatory not more than two years or by fine not exceeding five hundred dollars. [1919 c. 349 s. 10.]

Breaking prison. Section 4494. Any person who may be in any prison in this state under sentence of imprisonment in the state prison, the Wisconsin state reformatory, or in the house of correction of Milwaukee county and who shall break such prison and escape shall be punished by imprisonment in the state prison, the Wisconsin state reformatory, or the house of correction of Milwaukee county one year in addition to the unexpired term for which he was originally sentenced. [1919 c. 349 s. 10.]

Escape from county jail or workhouse. Section 4495.

(1) Any person who may be imprisoned, pursuant to a sentence, in the county jail or county workhouse, or who shall have been committed for the purpose of detaining him for trial for any offense not punishable by imprisonment for life, and who shall break prison and escape shall be punished by imprisonment in the county jail not more than six months.

(2) Any such prisoner under sentence who shall escape or attempt to escape while employed in prison labor outside of the prison enclosure as authorized by law shall be punished by a fine of not more than five hundred dollars or by imprisonment in the state prison or county jail not more than one year. [1919 c. 350 s. 11.]

Giving liquor to prisoners; mingling sexes. Section. 4497.

Any sheriff, jailer or keeper of any prison or any other person who shall sell, give or deliver to any prisoner, or willfully or negligently permit any such prisoner to have any spirituous or intoxicating liquor, and any prisoner who shall use such liquor, in violation of subsection 2 of section 55.07, or who shall have in his possession in the precincts of any prison, with intent to sell, give or deliver the same to some prisoner, such spirituous or intoxicating liquor, or who shall place or keep together or knowingly permit to be kept together prisoners of different sexes, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months. [1919 c. 350 s. 12.]

Definition of vagrants; penalty. Section 4556a. All persons of the classes enumerated in this section, except dependent, neglected, or delinquent children as defined in section 48.01, shall be deemed vagrants, namely: All idle persons who, not having visible means to maintain themselves, live without employment; all persons wandering abroad and lodging in groceries, beerhouses, outhouses, market places, sheds or barns or in the open air, all common drunkards; all lewd, wanton, lascivious persons in speech or behavior; all persons wandering abroad or begging or who go about from door to door or place themselves in the streets, highways, passages or other public places to beg or receive alms, or fortune tellers and other like impostors or gamblers, and persons having no visible occupation and unable to give a satisfactory account of themselves, and every female who shall be found wandering about the streets and addressing male persons for the purpose of soliciting the commission of any lewd, indecent or unlawful act, or for the purpose of enticing any male person into a house of prostitution, bed house, room or other place for any unlawful purpose, or any female inmate of any bawdy house, or house of prostitution, or assignation house or brothel, or any common prostitute who shall be found wandering about the streets or loitering in or about any restaurant, lodging house, saloon or place where intoxicating liquors are sold; and shall be punished by imprisonment at hard labor in the county jail not exceeding ninety days or by solitary confinement therein not less than three days nor more than ten days. [Stats. 1917 s. 1543, 1546; 1919 c. 614 s. 5, 6.]

Maternity homes and home-finding agencies. Section 4586m. Any person or persons, agency, association or corporation found guilty of violating any of the provisions of sections 58.03 or 58.04 regulating maternity homes, baby-farms, and home-finding agencies, shall be punished by a fine of not less than ten nor more than five hundred dollars, or by imprisonment in the county jail or house of correction not more than one year, and said term of imprisonment in case of a corporation may be imposed upon the officers of said corporation, who are responsible for said violation. [Stats. 1917 s. 1542f, 1786d-1, sub. 4; 1919 c. 616 s. 6.]

Insanity at the time of committing the offense. Section 4697. (1) When any person is indicted or informed against for any offense and such person or counsel in his behalf shall, before the commencement of the trial, inform the court that such person, at the time of the commission of such alleged offense, was insane or feeble-minded and for that reason not responsible for his acts, the court shall order a special plea, setting up and alleging such insanity, or feeble-mindedness, to be filed on his behalf with a plea of not guilty; and the special issue thereby made shall be tried and determined by the jury with the plea of not guilty; and if such jury shall find upon such special issue that such accused person was so insane, or feeble-minded, or that there is reasonable doubt of his sanity or mental responsibility at the time of the commission of such alleged offense, they shall return a verdict of not guilty because insane, or feeble-minded.

(2) The presumption of such accused person's sanity and mental normality, at the time of the commission of such alleged offense, shall prevail and be sufficient proof thereof on the trial of such special issue, unless the evidence produced on such trial shall create in the minds of the jury a reasonable doubt of the sanity or mental responsibility of such accused person at the time of the commission of such alleged offense.

(3) If the defendant shall be found by the jury "no guilty because insane" or "not guilty because feeble-minded," he shall forthwith be committed by the court to the central state hospital for the insane or to the home for the feeble-minded, there to be detained and treated until he shall be discharged according to law.

(4) A re-examination of his sanity or mental condition may be had as provided in section 51.11; but no such person so committed shall be discharged from detention unless the magistrate or the jury upon whom devolves the duty to pass upon his sanity and mental condition shall, in addition to finding him sane and mentally responsible, also find that he is not likely to have such a recurrence of insanity or mental irresponsibility as would result in acts which, but for insanity or mental irresponsibility, would constitute crimes. [1919 c. 347 s. 29.]

Insanity at the time of trial or conviction. Section 4700.

(1) If the court shall be informed, in any manner, that any person, indicted or informed against for any offense probably is, at the time of his trial, or after his conviction and before commitment, insane or feeble-minded and thereby incapacitated to act for himself, the court shall, in a summary manner, make inquisition thereof by a jury or otherwise as it deems most proper.

(2) If it shall be determined by such inquisition that such accused person is insane or feeble-minded his trial, sentence, or commitment for such offense shall be postponed indefinitely, and the court shall thereupon order that he be confined in the central state hospital for the insane or in the home for feeble-minded.

(3) Upon the recovery of such person from his insanity or feeble-mindedness the said superintendent shall notify the court in which such indictment or information is pending of such recovery, and said court shall thereupon issue to the sheriff of the county a warrant requiring him to take such accused person into his custody and confine him in the county jail of said county pending trial, sentence, or commitment for such offense; but such person may be released on recognizance or bail as provided in chapter 195.

(4) If it shall be determined, pursuant to section 51.11, that the insanity or feeble-mindedness of such accused person is incurable he shall be treated and disposed of as persons incurably insane or feeble-minded are required by law to be treated; but no such person shall be removed or discharged from said hospital or home except upon the order of the court having jurisdiction of such persons for trial, sentence, or commitment. [*Stats.* 1917 s. 584, 4700; 1919 c. 347 s. 30.]

Record of testimony. Section 4713m. The judge presiding at the trial of any person accused of an offense for which he may be sentenced to imprisonment for not less than one year shall file or cause to be filed with the clerk a transcript of all testimony given in such trial. [*Stats.* 1917 s. 4858; 1919 c. 615 s. 12.]

CHAPTER 47

EDUCATION AND RELIEF OF THE BLIND AND DEAF.

SCHOOLS FOR THE BLIND AND DEAF.

SECTION 2. The designations "Wisconsin school for the blind," "Wisconsin school for the deaf," and "Wisconsin institute for blind artisans," as used in this act and whenever referred to in any act of the legislature or in any court proceeding, are the designations, respectively, of the school that has been established and is now maintained at the city of Janesville for the education of the blind, of the school that has been established and is now maintained at the city of Delavan for the education of the deaf, and of the school heretofore established and now maintained at the city of Milwaukee pursuant to chapter 432, laws of 1903; and whenever these designations shall have been incorporated in the statutes they shall remain such legal designations, notwithstanding the repeal of this section.

SECTION 27. On and after the passage and publication of this act all existing boards of trustees, in charge of the poor-house, asylum for the chronic insane, tuberculosis hospital or sanatorium, house of correction, or workhouse, of any county whose population is less than two hundred and fifty thousand, and all superintendents of said institutions appointed by said boards shall be governed pursuant to sections 46.18 and 46.19; but all members of any board, commission, committee or other body, overseers, superintendents, and other officers, in charge of said institutions who are now in office, shall continue in said offices, respectively, until the expiration of their terms, according to the statutes in force next prior to the passage and publication of this act, and until the beginning of the next regular term, if any, of their successors, respectively, as fixed in this act.

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